

Turnaround Youth:

Young Adults (18–24)
in the Criminal Justice System

The case for a distinct approach

May 2015



IPRT
Irish Penal Reform Trust

The Irish Penal Reform Trust is an independent non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a sanction of last resort.

This report was written by Liza Costello, and was supported by The Ireland Funds.

Irish Penal Reform Trust

MACRO Building

1 Green Street

Dublin 7, Ireland

T: +353 (0) 1 874 1400

E: info@iprt.ie

W: www.iprt.ie

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“Blowing out the candles on an 18th birthday cake does not magically transform anyone into a fully functioning and mature adult — even without the life disadvantages many young people in criminal justice have experienced.”

Dame Anne Owers¹

¹ Dame Anne Owers DBE in the Foreword to *PATHWAYS FROM CRIME: Ten steps to a more effective approach for young adults in the criminal justice process*, Transition to Adulthood Alliance, London.

ACKNOWLEDGMENTS

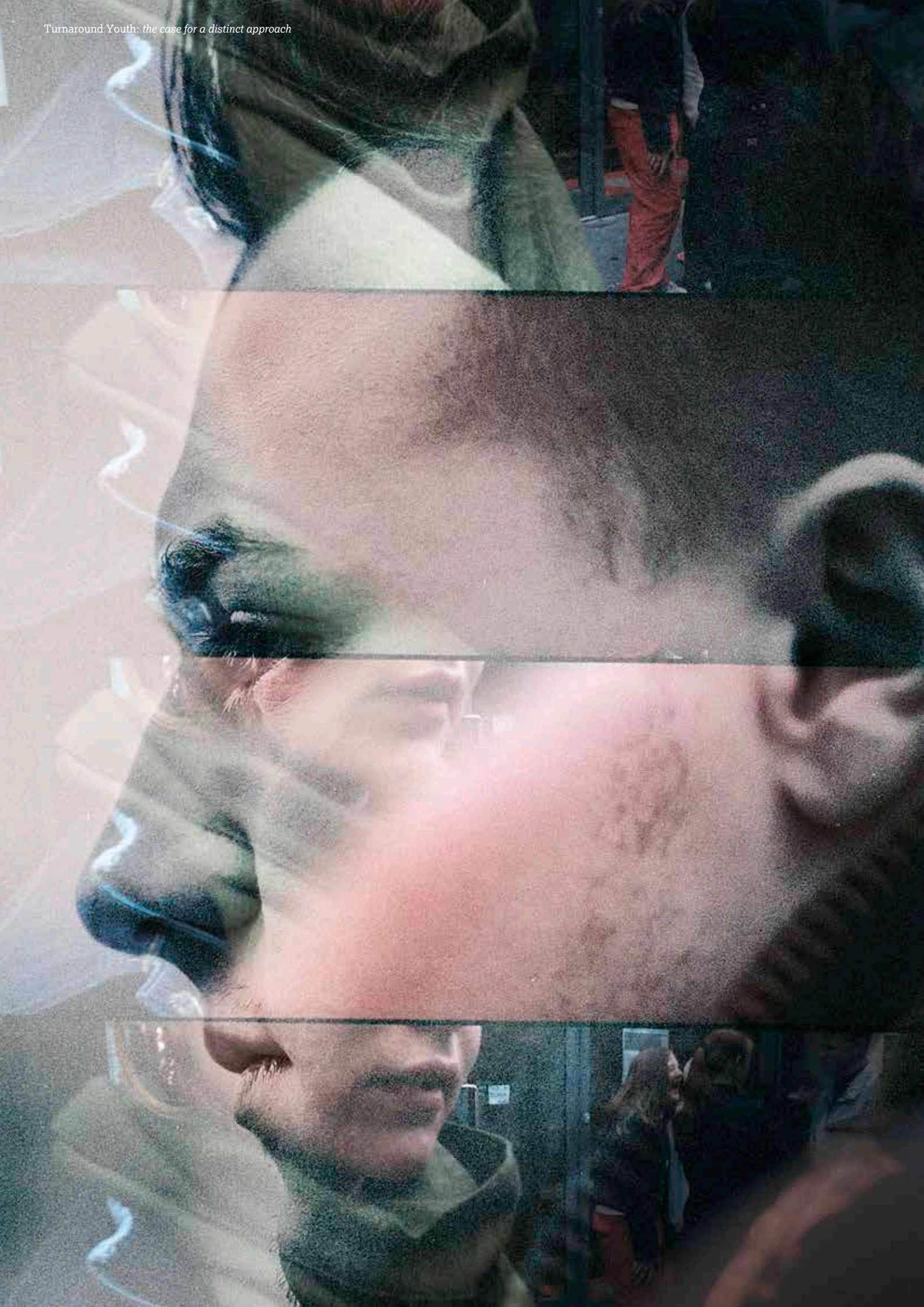
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CONTENTS

Overview and Recommendations	1
Introduction	3
1. International frameworks and developments	5
1.1 Human rights framework	5
1.2 Flexible approaches to sentencing	6
2. The need for a new approach in Ireland	9
2.1 Over-representation in the Irish prison system	9
2.2 Findings from a consultation with young adults	11
3. Cognitive development in young adulthood	15
3.1 Maturity and the young adult brain	15
3.2 Acquired brain injury and offending behaviour	16
4. Socioeconomic factors and offending behaviour	18
4.1 Young adult ‘NEETs’ and offending behaviour	18
4.2 Living in a deprived area	18
4.3 Homelessness and offending behaviour	19
4.4 Violent crime and history of adversity	19
4.5 Family relationships and offending behaviour	19
4.6 Substance abuse and offending behaviour	19
5. The right interventions at the right time	22
5.1 Limitations of a custodial approach	22
5.2 Trajectories of offending behaviour	23
5.3 Impact of agency contact	23
5.4 Prevention through targeted, community-based support	24
5.5 Harnessing a strong capacity to change	25
5.6 Restorative justice for young adults	25
Innovations in practice	27
Conclusion and recommendations	30
Annex 1: Guidance from international standards	33
Bibliography	34



OVERVIEW AND RECOMMENDATIONS

Young adults are disproportionately represented in the Irish prison system. While 9% of the total population is aged 18–24 years, this age group comprised 24% of those committed to prison in 2014 and 20% of those in custody under sentence on 31 October 2014.²

The significant existing body of international research demonstrates that several factors place young adults more at risk of becoming involved in offending behaviour and make the prison system an inappropriate and counterproductive means of dealing with young adults.

- The **scientific evidence** shows that the human brain and maturity continue to develop beyond adolescence and into one's mid-twenties, leaving young adults with a lower capacity for self-regulation. Young adults, like adolescents, can be particularly vulnerable to peer pressure.
- **Socioeconomic factors** also place affected young people at higher risk of offending – these include not being in employment, education or training (NEET), living in a disadvantaged area, experiencing family-related problems during adolescence and becoming substance dependent.

In addition, certain groups of vulnerable young adults face a particularly increased risk of becoming involved in crime. This includes those who have an acquired brain injury, which is more likely to occur among younger age groups, and those with a history of homelessness that persists into adulthood. Of those belonging to the minority of young adults who engage in violent crime, risk factors include coming from a history of serious disadvantage and adversity.

Despite these distinct challenges, the evidence also shows that **the right interventions at the right points of time can successfully lead to a reduction in the offending rate among young adults**. These include:

- targeted support in the community for young adults who have offended, involving education, employment opportunities and housing; and
- preventative measures for young age groups, specifically age-sensitive interventions that support young people at critical points in their lives.

By contrast, contact with the criminal justice system in the community, as well as imprisonment, can actually increase the likelihood of offending behaviour among young people. A study of recidivism by the Irish Prison Service found that 68.5% of people aged under 21 years re-offended after

release, as did 68% of those aged 21–25 years, compared with 53% of the rest of the population.³ Clearly, the current approach in Ireland is failing too many young adults, often making them more, not less, likely to commit crime. It also fails to take account of the many factors that have a particular impact on young people's likelihood of offending, such as the ongoing development of the human brain during early adulthood and the high rate of social exclusion and disadvantage among young adults who offend.

Many other jurisdictions have already moved towards a distinct approach towards dealing with young adults. Various models of good practice have emerged regarding prevention and non-custodial alternatives in the community, and evaluations of restorative justice conferences with young people have shown significant positive outcomes in terms of reducing re-offending rates. Several international human rights instruments also expressly acknowledge the need for adoption of a distinct approach to young adults within the criminal justice system (see Annex 1).

Recent developments in Ireland

There has already been some official acknowledgement of the need to support young people in the transition to adulthood. The Department of Children and Youth Affairs' national framework report, *Better Outcomes, Brighter Futures* (2014) includes a commitment to 'support[ing] effective transitions', including from childhood to adulthood. This goal (no. 5) of the framework specifies that the criminal justice system has a role to play here. The *Youth Justice Action Plan 2014–2018* (2013) similarly recognises the need to address challenges arising from transition to adulthood, and acknowledges the need for appropriate interventions for young people with a late onset of offending in early adulthood 'in line with international evidence on desistance'.

Arising from a comprehensive review of Ireland's penal system, and evidence around what works to reduce offending and reoffending, the Strategic Review of Penal Policy *Final Report* (2014) recommended that a programme similar to the Youth Diversion Programme be introduced for young people above the age of 18 with an initial focus on 18–21 year olds:

*[T]he Review Group recommends that the relevant Departments and agencies, including An Garda Síochána should immediately consult in relation to the most appropriate and effective means of targeting [18–21 year olds] within the context of current and future resources.*⁴

² National figure calculated using CSO's StatBank for Census 2011 data. See <http://www.cso.ie/en/census/census2011reports/census2011profile2-olderandyounger/>; data on prison population taken from IPS Statistical Information, available at www.irishprisons.ie.

³ Irish Prison Service (2013)

⁴ Recommendation 4 of the Strategic Review of Penal Policy (2014) *Final Report*, Department of Justice and Equality, pp. 32–24.

In recent years, the Probation Service has extended the remit of Young Persons Probation to include those over the age of 18 who are already engaged with YPP. Legislation proposed in 2014 included provision for mandatory probation assessment reports in certain cases where a court thinks it appropriate to impose a prison sentence on a person aged between 18 and 21.⁵

These are all very welcome developments – developments that show that awareness is already growing of the distinct needs and experiences of this age group.

But despite such signs of a growing awareness, it remains the case that in Ireland, once a person reaches 18 years, they are no longer treated as a child but become immediately answerable to the laws and regulations that govern the adult population regardless of their level of maturity or vulnerability. The consequences of this are clear: young adults are over-represented in the prison system; recidivism rates are high; and the underlying causes of offending behaviour among this group are ignored.

Clearly it is in all of our interests that we develop the right supports and interventions for young adults in contact with the criminal justice system to ensure they go on to lead crime-free lives, fulfil their potential and participate fully and positively in their communities. After all, young adults are the parents of the next generation. Supporting them in a positive way at the right time is an opportunity that we cannot afford to miss.

On the basis of the research findings presented in this report, IPRT recommends the following:

The Department of Justice and Equality should develop a discrete strategy for young adults aged 18–24 years.

All of the agencies that comprise the criminal justice system should recognise the 18–24 age group as one with distinct and specific needs. This strategy should take a cross-departmental and inter-agency approach and should be grounded in the evidence of what works to promote and support desistance from offending behaviour among young adult offenders aged up to 24.

Key Areas for Action:

1. **Transitions:** Government should ensure that Goal 5 of the *National Policy Framework for Children & Young People 2014–2020*, “Support Effective Transitions” is properly resourced and fully implemented.
2. **Community:** Priority should be placed on resourcing evidence-informed initiatives in the community that aim to divert those at risk of becoming involved in offending behaviour away from criminal justice agencies and into mainstream services.
3. **Policing:** Training of An Garda Síochána should promote best practices in dealing with young offenders and address how agency contact with young people can in some cases lead to an increase in offending behaviour.
4. **Bail:** Supervised bail programmes and effective bail supports that identify and address bail compliance issues should be made widely available to minimise the necessity for young offenders to be remanded pre-trial.
5. **Courts & Sentencing:** In all cases, a young person’s age and level of maturity should be taken into account as a mitigating factor in determining a penalty. Proposed community sanctions legislation should include provision for maturity assessments for offenders between 18–24 to consider whether the person might be more appropriately dealt with within the juvenile justice system.
6. **Detention:** Prison should always be a sanction of last resort for young adults, particularly those convicted of non-violent offences.
7. **Alternatives:** Robust non-custodial alternatives should be available to young adult offenders where possible, including intensive community orders, restorative practices and the extension of youth justice diversion programmes to effectively tackle the root causes of offending and encourage desistance among young adults who offend.
8. **Rehabilitation:** Young adults coming out of the criminal justice process must be supported in their efforts to stop offending and become active citizens through provision of services including support with employment and education, stable accommodation and assistance to address drug and alcohol misuse.
9. **Research:** Longitudinal research into outcomes for children and young people who come into conflict with the law should be conducted across all critical points in the criminal justice system, from policing through court responses to sentencing.

⁵ Part 3 (Probation Assessment Reports) of the General Scheme of Criminal Justice (Community Sanctions) Bill 2014 provides a legislative basis for a court’s power to request probation assessment reports, which are to be mandatory in certain circumstances, including where a court thinks it appropriate to impose a prison sentence on a person aged between 18 and 21 who has not previously been sentenced to a term of imprisonment of 12 months or more.

INTRODUCTION

Over the past fifteen years, Ireland has made great strides in reforming the youth justice system as it applies to children aged under 18 years. Not least of these developments has been progress towards the removal of all children from the adult prison system, and commitments to close St Patrick's Institution. Another significant development is the publication in 2014 of *Tackling Youth Justice – Youth Justice Action Plan 2014–2018*.

However, another group of vulnerable young people are not being adequately catered for by the Irish criminal justice system: young adults aged 18–24, and in particular those aged 18–21. In Ireland, once a young person turns 18 years, he or she loses access to age-appropriate interventions, entitlements and supports overnight – both in the criminal justice system, and in services provided in the community. Successful community-based initiatives, such as the Garda Youth Crime Case Management System, Garda Juvenile Diversion Programme and Garda Youth Diversion Projects formally cater only for the under-18s. Where detention is imposed, there is wide acknowledgement that strong progress made in the child detention school system can be undone in just a short time in the adult prison system, to which those who turn 18 years during their sentence must transfer.

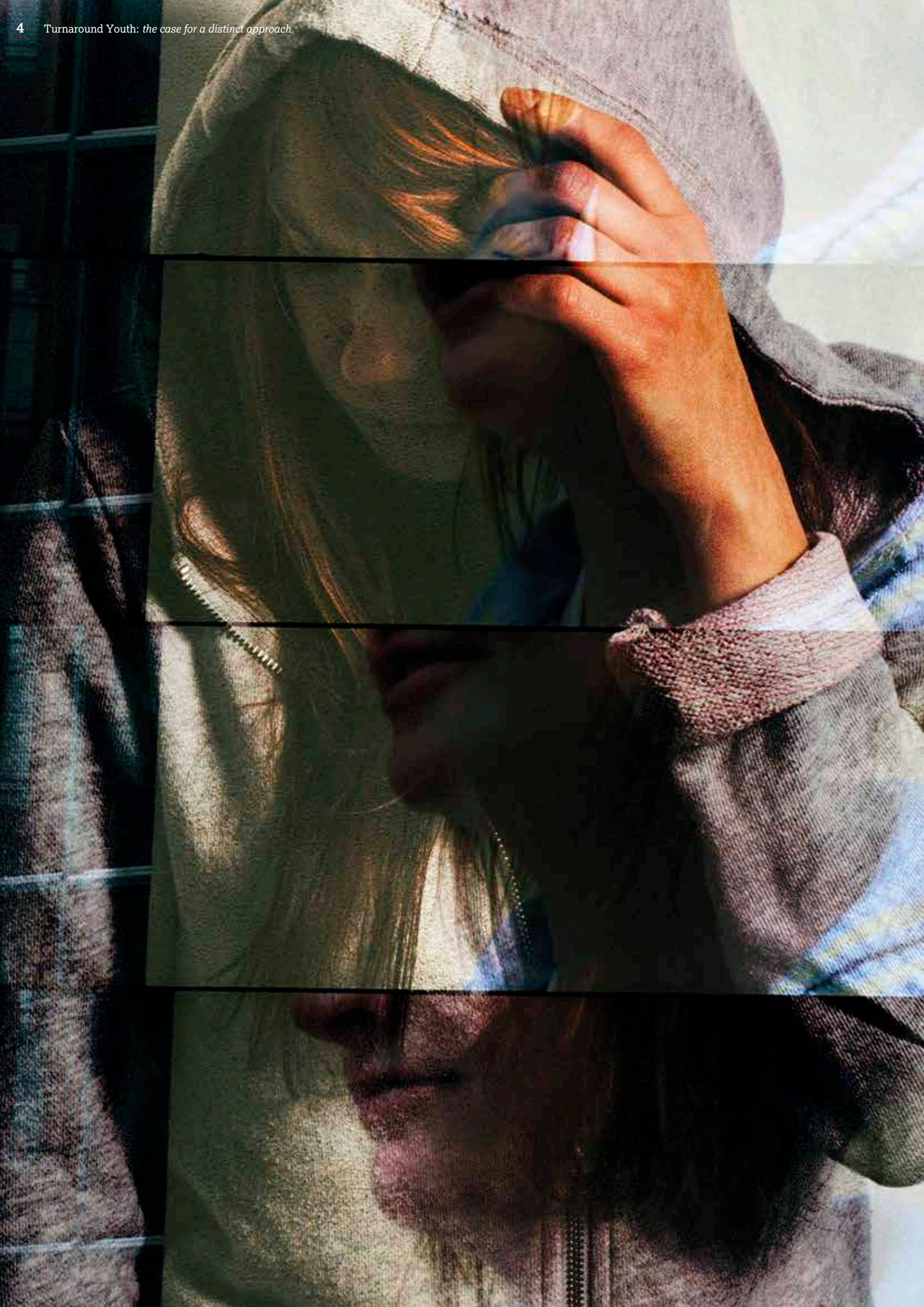
Currently, the criminal justice system's approach to young adults is based on the assumption that they are fully mature and rational adults, and should therefore be treated as such if they become involved in offending behaviour. The aim of this report is to illustrate how this current approach ignores the robust and growing body of evidence that advocates an evidence-informed approach of the criminal justice system young people in transition to adulthood. It is in everyone's interest for the criminal justice system to take a distinct approach for young adults. Factors such as their developing maturity and social and family stress factors must be taken into account in order to decrease rates of offending behaviour among this age group. This rationale is reflected not only in developing practice in other EU Member States, but also in a range of international instruments.⁶

This report:

- considers the growing recognition worldwide of the need for a different criminal justice approach for this age group, reflected in a range of international policy and legislative measures;
- provides an overview of young adults in the Irish criminal justice system, and presents findings from a focus group conducted with young Irish adults with a history of offending behaviour;
- presents scientific evidence that overwhelmingly shows that the young adult brain is still developing up to 25 years of age, and addresses factors that affect brain maturity in young adulthood, such as traumatic brain injury;
- looks at factors at the societal and family level that have been linked to offending behaviour among young adults; and
- considers the evidence showing the value of targeted prevention and intervention measures that harness the strong capacity for change among this age group.

The report ends with a conclusion and a series of proposals that fall under one overarching recommendation – **the development by the Department of Justice and Equality of a discrete criminal justice strategy for 18–24 year olds.**

⁶ Annex 1 contains a summary of relevant international regulations and documents that advocate a distinct criminal justice approach for young adults.



1. INTERNATIONAL FRAMEWORKS AND DEVELOPMENTS

This section presents some examples of how many jurisdictions have already moved towards a distinct approach towards dealing with young adults in conflict with the law. It does not aim to provide an exhaustive review of such approaches, but rather to place a spotlight on some promising trends and approaches.⁷

KEY POINTS

- Many jurisdictions are moving towards a distinct approach in dealing with young adult offenders. In Germany, juvenile law is applied to all offenders for whom there is doubt about maturity, and the courts have flexibility in interpreting this.
- Flexible approaches to sentencing are also found in Austria and Croatia, where offences committed before 21 years are tried in special youth courts.
- Models of good practice have also been identified that aim at providing non-custodial alternatives to young adults, such as the Intensive Alternative to Custody order in Manchester and supervised bail schemes in the UK.
- Other schemes aim to support desistance in the community, such as the evidence-informed Transition to Adulthood Pathways Programme, which aims over three years to deliver interventions to young adults in six locations in England. Each local initiative addresses a specific stage across ten points in the criminal justice process where professionals can deliver a more effective service for young people making the transition to adulthood.
- Recent years have seen criminal justice reform take place in the UK in relation to its approach to young adult offenders.

1.1 HUMAN RIGHTS FRAMEWORK

A range of human rights instruments and other relevant international standard documents already in existence support a focused approach towards young adults in the criminal justice system that recognises the particular needs and issues of young adult offenders.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) states that:

Efforts shall also be made to extend the principles embodied in the Rules to young adult offenders, and extend the protection afforded by the Rules to cover proceedings dealing with young adult offenders.

Recommendation Rec (2003) 20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice recommended that:

Reflecting the extended transition to adulthood, it should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and to be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults.

A more recent Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures recommended that young adult offenders may, where appropriate, be regarded as juveniles and dealt with accordingly. It also recommended that the imposition of sanctions take account of

“age, physical and mental well-being, development, capacities and personal circumstances (principle of individualisation) as ascertained when necessary by psychological, psychiatric or social inquiry reports”.

The Resolution of the 17th World Congress of the International Congress on Criminal Law in 2002 states:

[The] state of adolescence can be prolonged into young adulthood (25 years) ... [As] a consequence, legislation needs to be adapted for young adults in a similar manner as it is done for minors. ... The administration of educational measures or alternative sanctions that focus on rehabilitation may be extended, at the demand of the concerned individual, to the age of 25. It also resolved that concerning crimes committed by persons over 18 years of age, the applicability of the special provisions for minors may be extended up to the age of 25.

Finally, many other instruments, such as the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the United Nations Standard Minimum Rules for the Treatment of Prisoners all refer generally to

⁷ For a more comprehensive review, see Pruin and Dünkel (2015).

‘young persons’ or ‘all young persons’, suggesting the inclusion of those aged over 18 years (See Annex 1) and supporting a differential approach which recognises the reality of an extended period of transition from childhood to adulthood.

1.2 FLEXIBLE APPROACHES TO SENTENCING

Current sentencing practices in Ireland do not acknowledge or cater for the reality of the transition to adulthood. However many European jurisdictions have already successfully moved towards a distinct approach towards dealing with young adult offending, with some resulting in lower crime rates, lower incarceration rates of young people, and lower reoffending.

Germany: Extending juvenile sanctions to young adults

In Germany, young adults (18–21 year olds) have come within the jurisdiction of the juvenile courts system since 1953. Young adults may be sentenced under juvenile law if:

*A global examination of the offender's personality and of his social environment indicates that at the time of committing the crime the young adult in his moral and psychological development was like a juvenile.*⁸

This also applies if the offender's motives and circumstances of the crime are typical of a juvenile crime. The proportion of young adult cases deemed to fall under juvenile law has increased considerably, from 38% in 1965 to 67% in 2011.⁹ The terms that enable this to happen have been interpreted widely by the courts ‘in all cases where there are doubts about the maturity of the young offender’.¹⁰ A young adult is considered to have the maturity of an adolescent if ‘elements demonstrate that a considerable development of the personality is still to be seen’.¹¹ Typical sanctions include educational measures, disciplinary measures (such as fines or community service orders), a suspended youth prison sentence (maximum of two years) or, in very serious circumstances, an immediate youth prison sentence of between five and 15 years.¹² The German approach has seen considerable success with ‘a lower crime rate, a lower incarceration rate of young people and lower reoffending rates.’¹³

Austria: Special youth courts

In Austria, offences committed before 21 years are tried in special youth courts that involve youth judges who are particularly suitable or qualified for working with young people. In addition, various provisions of juvenile criminal procedure law apply to young adults in order to support the courts in tailoring

their sentencing decisions appropriately to each individual case. These include:

- stricter preconditions for ordering pre-trial detention/custodial remands;
- separation from adult offenders while serving a sentence; and
- special assessments of and investigations into an offender's personality, living conditions and life circumstances.¹⁴

The commencement of a sentence can be postponed when certain preconditions are met, for example if immediate commencement would impede the completion of an education or training course. While the range of sanctions and rules for sentencing are the same as those for other adults, those aged 18–21 years can be eligible for early release on parole at an earlier stage.¹⁵

Croatia: Specialised juvenile courts

Those aged 18 to 21 years at the time of the offence fall within the scope of the Croatian Juvenile Courts Act (CJCA) and specialised juvenile courts. This allows the court to apply special juvenile sanctions including special obligations, intensified supervision, and juvenile imprisonment.¹⁶

These measures aim to improve the offender's life perspectives by bringing structure and responsibility into their daily life. For example, a measure of special obligation might require them to take up work or to participate in special training programmes or counselling. As with Germany and Austria, consideration is made regarding factors such as the offender's age and personality.¹⁷

England & Wales: Maturity as mitigating factor

Since 2011, ‘age and/or lack of maturity where it affects the responsibility of the offender’ has been included as a mitigating factor in the Sentencing Council for England and Wales' sentencing guidelines for adults (Criminal Justice Alliance, 2013). This was the first time in sentencing practice in England and Wales that the concept of maturity featured regarding adults, and a Crown Court Sentencing Survey (2012) showed that this factor is already being routinely considered by judges.¹⁸

In 2013, the Crown Prosecution Service published a new Code for Crown Prosecutors with the explicit inclusion, for the first time, of ‘maturity’ as a factor for consideration in culpability decisions on whether to charge a young adult aged under 18.¹⁹

8 Centre for the Prevention of Youth Crime (2004) *Prevention of youth crime in Germany: Educational strategies. Trends, experiences and approaches*. Centre for the Prevention of Youth Crime, München.

9 Ibid, regarding 1965 figure; Pruin and Dünkel (2015)

10 Centre for the Prevention of Youth Crime (2004)

11 Ibid.

12 Pruin and Dünkel (2015)

13 Muncie, J. (2009) *Youth and Crime*, Chapter 10.

14 Ibid.

15 Ibid.

16 Ibid.

17 Ibid.

18 Transition to Adulthood Alliance (2013) *Prosecuting Young Adults: The potential for taking account of maturity at the charge and prosecution stage of the criminal justice system*, Criminal Justice Alliance, London.

19 Ibid.

Some judges give a suspended sentence and some just whack you out of it and some give you probation and some give you chances, you know?

Box 1:

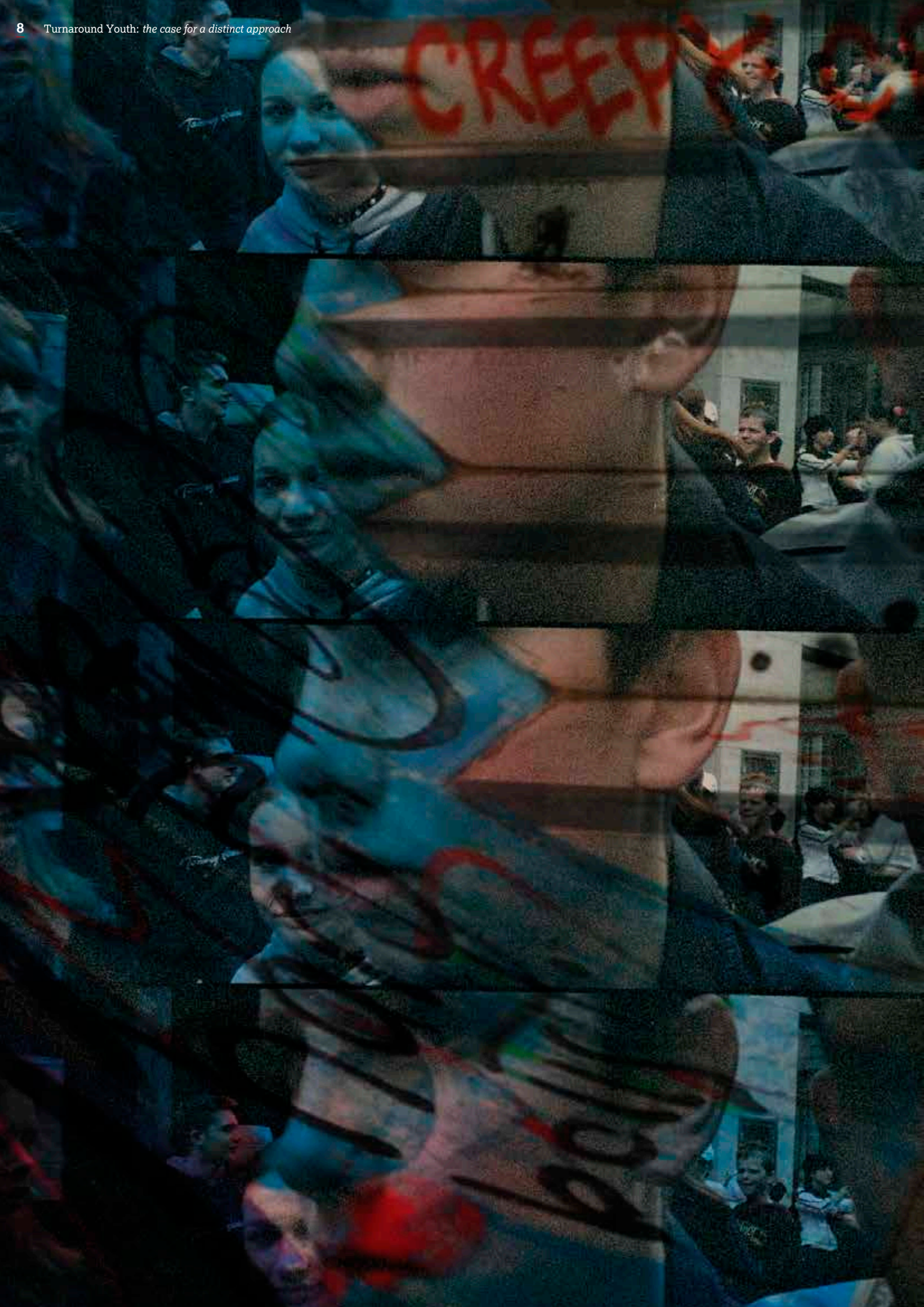
Other distinct approaches to sentencing for young adults

Other interesting sentencing approaches for young adults have also been developed in a number of other countries.

- Czech Republic: For young adult offenders, the sentence is reduced by one-quarter. In some cases, educational measures available to juveniles can be applied to young adults.
- Lithuania: For young adult offenders, the option exists to choose an appropriate sanction from juvenile or adult criminal law, depending on factors such as the maturity of the offender.
- Netherlands: Special provisions exist for young adults within general criminal law and also provides for the possibility of avoiding requirements of adult law, or of reducing adult sentences.
- Sweden: In deciding punishment, youth is considered a relevant factor for all those aged up to 21 years. Any statutory minimum sentence requirements can be disregarded for this age group. Fines also vary depending on age. For example, those aged 18–20 years face fines of up to a maximum of two-thirds those faced by people aged over 20 years. Additionally, for those aged 18–20 years, a fine can replace a short prison sentence.
- Switzerland: Those aged 18–25 years receive less severe sentences. Young adults can fall under the juvenile court system up to 25 years of age.
- Victoria, Australia: The Sentencing Act 1991 enables adult courts to sentence a person aged 18–20 years to a youth justice centre, instead of prison. The courts can also ‘request that Youth Justice provide bail supervision and progress reports for young adults aged 18–20 where diversion from a more intensive adult justice outcome is possible’.²⁰

Sources: T2A (2010) and Hazel (2008)

20 Australian Institute of Health and Welfare, Youth justice supervision in Victoria; see <https://www.aihw.gov.au/youth-justice/states-territories/vic/>



2. THE NEED FOR A NEW APPROACH IN IRELAND

This section begins with a brief overview of young adults in the Irish prison system, highlighting that the current criminal justice system leads to an over-representation of young adults in prison, despite international research evidence pointing to the inappropriateness of this approach. The second section presents findings from a focus group conducted with young adults who have been in conflict with the law.

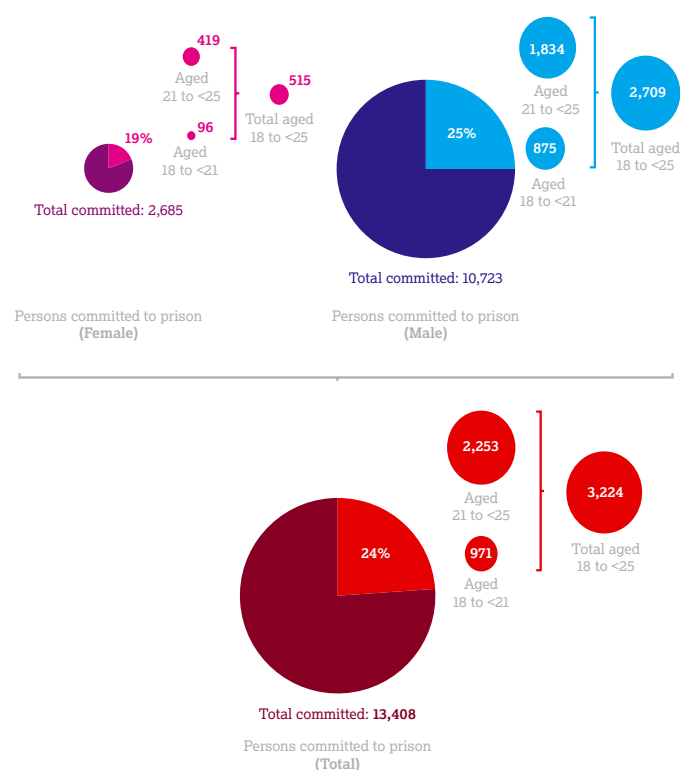
KEY POINTS

- While 9% of the total population is aged 18–24 years, this age group comprised 26% of those committed to prison in 2013 and 22% of those in custody under sentence on 30 November 2013.
- Between 2007 and 2010, 68.5% of people aged under 21 years re-offended, as did 68% of those aged 21–25 years, compared with 53% of the rest of the population.
- In a focus group with young adults, the following themes emerged:
 - There was a connection highlighted between being not in employment, education or training (NEET) and becoming involved in offending behaviour.
 - Participants felt that they were often the targets of unfair treatment by the Gardaí. The damaging effects of this were discussed, particularly if it occurred at a young age. Some felt that their negative relationship with the Gardaí led to an increase in their offending behaviour.
 - Participants shared negative accounts of their experiences in the Irish prison system, including overcrowding and physical assault
 - Experiences with probation and other community-based services varied. One participant shared how he had refused to engage with a juvenile liaison officer, while others spoke fairly positively about their encounters with the probation service. There was an overall sense that such services should be tailored to meet the specific needs of this group.
 - Participants shared a great sense of enthusiasm when discussing ways they could help to address offending behaviour among young people in their community. They saw their local youth centre as a place with great potential for initiating schemes.

2.1 OVER-REPRESENTATION IN THE IRISH PRISON SYSTEM

In Ireland, young adults are disproportionately represented in the Irish prison system. While 9% of the total population is aged 18–24 years, this age group comprised 26% of those committed to prison in 2013 and 22% of those in custody under sentence on 30 November 2013.²¹ In 2014, of a total 13,408 individuals committed to prison in Ireland, 971 were aged 18–20 years (96 female and 875 male) and 2,253 were aged 21–24 years (419 female and 1,834 male). Although this is a small decrease overall on 2013 numbers, nevertheless 24% of people committed to prison in 2014 were young adults aged 18–24, which amounts to the disproportionate over-representation of this cohort in prison. Furthermore, the number of young women aged 21 to 24 committed to prison in 2014 increased by 8.5% on 2013 figures.²² According to a snapshot of the prison population taken on 31 January, 2015 there were 3,706 prisoners in custody on that date, of whom 201 were aged 18–20 years and 533 were aged 21–24 years. This totals just under 20% of the total prison population.

Figure 1: Age and gender of persons committed to prison in 2014.

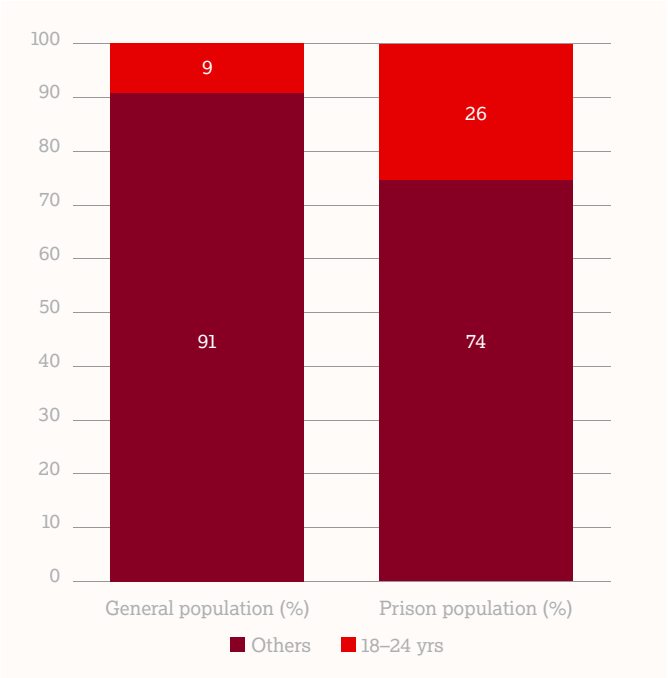


Source: IPS

²¹ National figure calculated using CSO's StatBank for Census 2011 data. See <http://www.cso.ie/en/census/census2011reports/census2011profile2-olderandyounger/>; data on prison population taken from IPS (2014) Annual report 2013 and IPS Statistical Information, available at www.irishprisons.ie.

²² 2014 figures from direct correspondence with the Irish Prison Service.

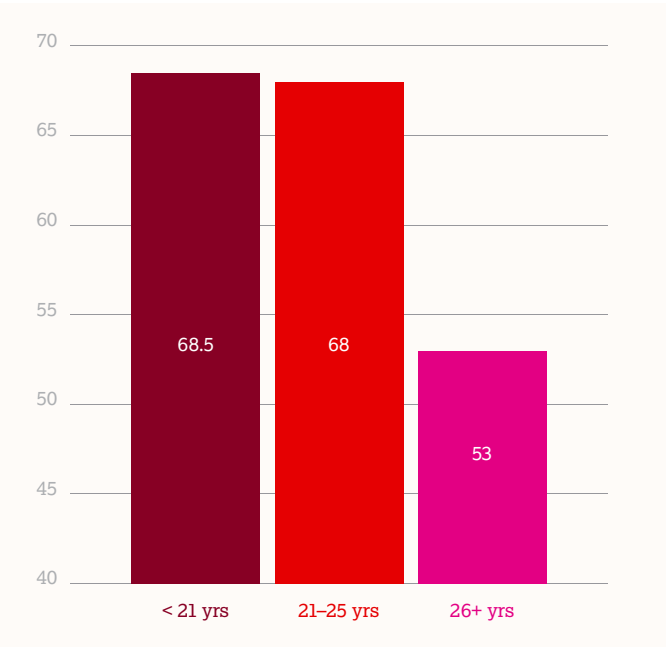
Figure 2: Young adults as proportion of total and prison populations



Source: IPS (2014)

As noted earlier, the rates of recidivism among young adults is substantially higher than it is for other offenders. A study of recidivism among all prisoners released by the Irish Prison Service on completion of a sentence in 2007, based on reoffending and reconviction data up to the end of 2010, found that between 2007 and 2010, 68.5% of people aged under 21 years re-offended, as did 68% of those aged 21–25 years, compared with 53% of the rest of the population.²³

Figure 3: Recidivism rates by age



Source: IPS, 2013

Where there is disproportionate representation of young adults within the prison system and high rates of recidivism on release, there is a clear case for investment in alternatives to custody that make social and economic sense.

23 Irish Prison Service (2013)

2.2 FINDINGS FROM CONSULTATION WITH YOUNG ADULTS

This section presents the analysis of a consultation that was held in December 2014 with young men who had a history of offending behaviour. The discussion was recorded, fully transcribed and analysed using a thematic content analysis approach.

All participants came from the same disadvantaged area and all were linked in with a local youth centre that runs a support project for young people disengaged from other local services and initiatives. The ages of participants ranged from 18 to 24. The discussion centred on experiences with the criminal justice system and social factors that had impacted on their involvement in offending behaviour. They also shared many ideas and views on ways to help younger people avoid offending behaviour.²⁴

During the course of the focus group, all of the participants agreed that they wanted to ‘stay out of trouble’ – to no longer become involved with offending behaviour. They also explored a range of barriers to doing so, including unemployment, a lack of training opportunities and difficulties encountered with various aspects of the criminal justice system. Despite facing such problems, participants discussed at length various ways in which these issues could best be addressed, including ways in which they themselves could act as positive role models for the next generation.

Not in employment, education or training

A relationship was highlighted between being not in employment, education or training (NEET) and offending behaviour. Many participants felt that it was difficult to find employment and for some (though not all), this could be associated with offending behaviour; as one person noted, ‘If you can’t get a job, you’re just going to go on the rob’. Unemployment was associated with boredom – a lack of ways to meaningfully pass the time:

You’d have nowhere to go, nowhere, because you don’t have a lot of money.

They described how this lack of ways to meaningfully spend time could lead to alcohol consumption, which has obvious repercussions on already limited means:

You would end up ... [in] the pub, you know what I mean, playing pool. Oh, we’ll have a few games of pool. ... Then it leads to a pint. ... Then that leads to a double Jack Daniels. ... [By Monday] you would have no money.

For some, the recession has had a compounding impact on these situation, as local organisations experience cuts in funding. One participant associated cuts in activities with an increased risk of reoffending:

There was no money coming from anywhere. You were going on a trip if you’re lucky every six months. ... They haven’t got the money anymore. But I think that had a big effect ... on me getting in trouble. It did, because I [had] stopped ... I was starting to ... I don’t know.

Participants spoke positively about the idea of continuing with their education and training, and there was some awareness of continuing education opportunities for those who had not completed their Leaving Certificate:

A lot of people are going to college to do courses at Level 3 and Level 4, people that doesn’t have a Leaving Cert. [It’s better than] sitting around. ... And there’s FÁS.

Some were engaged in further education, for example in the areas of sports and leisure management. However, others shared a lack of understanding about requirements. For example, one participant wondered if Garda vetting might prevent him from attending further education. Another shared a concern that certain applicants might be prioritised over others.

What about college? I had to get Garda vetted just for going to college. ... Would they not let me in [with a criminal record]?

Some participants were unclear about the potential impact of a history of offending behaviour on their future career prospects:

I didn’t know what Garda vetting was until about two weeks ago.

There was a strong perception that this could represent a stumbling block; for some this depended on the attitude of the potential employer. Speaking of a friend who had recently found employment, one participant noted

But luckily enough, he [the employer] was alright about it. He could have ... just got laughed at.

Criminal Justice System contact and offending behaviour

Participants spoke strongly about their negative experiences with members of the Gardaí. There was a perception that they were often the targets of unfair treatment by the guards – that they were consistently being harassed and targeted without due cause:

The majority of the police ... have that attitude with you. Like, some of the things that they do to antagonise you and actually lead you to getting in trouble.

Even if you’re just standing there, just talking there around or even... they hold you there for ages when they’re already after searching you.

This usually happened to those with a past history of offending behaviour, but participants shared how it could also affect someone because of their surname – because they have a sibling who has been involved in offending behaviour:

²⁴ It did not include an exploration of personal factors behind their route to offending behaviour, which for reasons of sensitivity and confidentiality would have been inappropriate in a focus group setting.

They probably wouldn't even know a little young fella growing up, but they would know their brothers, and ... label them all as the same. ... And that's not fair ... because they're not even giving the little young lad a chance.

One participant described how young people can become targets for negative attention from Gardaí from an early age and felt that the message from Gardaí was that they (the young person concerned) will continue to be involved in offending behaviour in the future. This, he felt, could be very damaging to the young person concerned:

I know loads of people that the police are telling since they're 13 or 14, "I'm going to have you locked up by the time you're 16. I'm going to have you locked up." ... If they don't like the person, basically that can ruin someone's life. Like, he's still only a child, more or less, that's more or less just introducing them to the life of crime saying, "Yeah, that's you for the rest of your life, good luck now". ... They have the power to do that ... and that's what annoys me now, because they're getting away with it.

There was also a perception that young people living in disadvantaged areas were more likely to encounter these problems with the Gardaí:

It just seems to be in the disadvantaged areas that people have a problem with the police.

Just because we have a poor house, they think, "Oh yeah, they're the drug dealers." Not everyone around here is drug dealing or anything, you know what I mean?

This seen as seen as unfair, something that wounded participants' sense of pride in their local area:

There's plenty of people that are out there that you would see working, do you know what I mean, doing all that?

There's about 20% of people in X that do drugs probably and sell them, you know what I mean? That's it. ... Maybe it's 25% or 30%, but the rest of them are all local people.

Impact on offending behaviour and perceived power imbalance

Some described how the negative relationship that existed between them and the Gardaí could lead to a confrontation, which, in certain situations, could lead to them being faced with additional charges for offending behaviour:

If the police jumped out and started getting cheeky with me, I'm going to get cheeky back. And if they assault you, like, if they would start pushing you, I'm going to push them back. ... You end up with seven and eight charges, [or] five charges when they only stopped you for drunk and disorderly. Because it's escalating because of the way they're treating you. ... That happens.

You end up getting three or four more serious charges, purely because you had a confrontation with the guards.

Moreover, this unfairness was perceived to continue beyond the initial encounter, to the police station and later, in court:

If they bring you to the police station, they charge you with loads of things, so when you would go out to court, they would say, "Oh, he assaulted me ... so we had to use force".

Say if I got arrested and smashed up by the police, and I go to court the next day, and they have me in the cell all night, they charge me with loads of mad things. Like, that I assaulted them and this and that. ... You're sitting in the stand and you're bust up but they will get away with it because they're in the uniform, you know what I mean?

Other participants shared this sense of unequal power relations between the young person and the Gardaí. In order for these issues to begin to be addressed, there was a strong perception that there is a need for Gardaí to foster a much more positive and respectful relationship with young people in their communities.

Experience of the courts system

Participants' negative perception of the criminal justice system was not limited to their encounters with the Gardaí. Many also shared a sense of unfairness regarding the courts system. One participant spoke of how the length of sentencing seemed to vary, but not by the severity of the crime, pointing to examples of some people receiving light sentences for serious offences. Others noted that the severity of a sentence could depend on the individual judge:

Some judges give a suspended sentence and some just whack you out of it and some give you probation and some give you chances, you know?

Negative experiences in prison

Participants shared negative accounts of their experiences in the Irish prison system. One described being physically assaulted by prison officers:

Two officers had my arm gripped and two on the other arm, and one had my head screwed right down like that, and I was smaller than I am now, do you know what I mean. ... They grabbed me like that and said, "How's that ... do you like hitting girls?" And do you know what I mean? [They were] ... wrecking me ... battering me, dragging me up the stairs. I didn't even hit the girl.

Afterwards he felt there was no point in making a complaint, reflecting a lack of trust in the integrity of the complaints system. His attempts to raise other, general issues of concern with the prison's Visiting Committee had led to no tangible results he was aware of:

I even went to the ... visiting committee. ... I went to them about four times over them giving us bad dinners

all the time ... and loads of things, just treating us wrong. ... They used to come up and call me the odd four weeks or something, or ... they would come in every so often. ... But I have met them now maybe three or four times but... nothing changed at all, nothing.

Others spoke of overcrowding in prison, describing cell mates sleeping on a mattress on the ground. In this context, it is unsurprising that participants felt strongly about the value of the support they received from the youth centre while in prison:

They used to come in and see me every Wednesday. So if I was in the gym... a screw would come down and say, "Do you want to see the people from [the youth project]?" Do I want to see the people from X? ... I would be like, "Get out of my way, do you know what I mean, I want to see the people from X. Get me out of here."

Criminal justice system in the community

One participant described how he had refused to engage with a juvenile liaison officer (JLO) assigned to him. This seemed to be because of a lack of respect for her position, perhaps partly due to her young age, and partly due to his pre-existing negative experience with the Gardaí:

[The JLO] used to be in my house and all. I laughed at her and walked out the door. [She said] "Stay there." "I'm not staying here." Young and dumb, you know what I mean. ... She was always coming over. ... I walked out, and I left her there with my Ma. ... I just didn't want to stay there, to tell you the truth.

The participants spoke less negatively about their experience with the Probation Service; one noted 'they're alright', while another felt that being on probation made him less likely to engage in offending behaviour.

Moving forward

Participants spoke with enthusiasm and optimism when sharing ideas for addressing offending behaviour among young people in their locality. They shared a genuine desire to play an active role in helping people younger than themselves to avoid the problems they had faced:

I would tell [young people – 13 to 14 year olds] to keep their nose clean and keep walking if the police pull up.

Don't be around gangs, don't be getting into trouble.

As noted above regarding support while in prison, the participants felt strongly that their youth centre provided them with invaluable support, something they did not receive from other local organisations or services:

If [local youth centre] wasn't here, we would be fecked.

They felt that their involvement in the centre would inspire younger people to take part; in a sense their presence might provide a kind of 'kudos' to the centre, making it a real alternative

for younger people. In this light, they suggested that the centre could be used as a base for such work, as well as a place for them to organise as a group:

Say we could drop in ... every now and again and help you out even with this and that, you know what I mean? ... Something like a group. ... If there was 10 of us in a group...

And we still drop in and help the kids out with the other lads... That would be no bother. That would be keeping us out of trouble.

Another suggestion was that young people in the area be given affordable access to a gym:

If you did get [a gym] here, you would get all the younger lads even, and even the younger lads again, do you know what I mean, the 13 or 14-year-olds, to keep their minds occupied.

Others spoke of the value of sporting opportunities, again focusing on the positive impact this could have on younger people; suggested activities included football and horse-riding.

Participants described how plans had been made for such a scheme in the centre. The plans for this scheme were based on consultation with young people in the area, and set out a modus operandi whereby it would be run by the local community. To date this scheme has not begun. Participants proposed that through a Community Employment (CE) scheme, they could be employed in its establishment, as well as initiating work with younger people. They shared a strong sense of pride in the long-term vision for this project, and a belief that it could make a real difference to future generations:

If we get all this done, that would be great, it would, it would be really great because it wouldn't be just for us and then the kids. It would be for the kids' kids, and then their kids' kids.



3. COGNITIVE DEVELOPMENT IN YOUNG ADULTHOOD

KEY POINTS

- A strong body of scientific research now shows that the human brain and maturity continue to develop beyond adolescence and into one's mid-twenties.
- This can mean that young adults have a lower capacity for self-regulation. They can also tend to make decisions on the basis of immediate concerns rather than long-term outcomes, and to be driven by sensation-seeking behaviour before their emotional and behavioural controls are fully developed.
- Due to incomplete cognitive development, young adults, like adolescents, can also be particularly vulnerable to peer pressure. Alongside the above, this can make it more difficult for them to 'put the brakes' on impulsive behaviour.
- Young adults who offend may have a less mature capacity for moral reasoning; this is a complex issue, with many contributory factors.
- There is a higher rate of acquired brain injury among young people than the rest of the population. Acquired brain injury has been linked to offending behaviour – damage to the frontal lobes of the brain can have serious consequences for impulse control and decision making.

3.1 MATURITY AND THE YOUNG ADULT BRAIN

It is well established that developmental differences exist between adolescents and adults, which affect the quality of decisions made. However, a growing body of research is providing strong evidence that these developmental differences do not suddenly end at 18 years; rather, the human brain and personal maturity continue to develop on into one's mid-twenties.²⁵ The frontal lobes, the part of the brain concerned with higher executive functions, such as planning, verbal memory, impulse control and decision-making, emerge by adolescence but continue to grow into adulthood.²⁶

According to Johnson (2009), these are 'among the last areas of the brain to mature; they may not be fully developed until halfway through the third decade of life'.²⁷ This is reflected in marked differences as people mature, particularly in the area affecting inhibitory control, differences that are implicated in explanations of attitudes, abilities and behaviour during adolescence.²⁸

This has direct consequences for the behaviour of young adults. For example, it has been found that most young adults work towards a short-term strategy, and tend to be motivated by immediate concerns, especially when responding to a crisis.²⁹ More specifically, it has direct consequences for the likelihood of young adults engaging in offending behaviour. As Luna et al (2013) conclude, 'the ability to monitor performance and identify when errors are committed ... continues to mature into adulthood'.³⁰ Therefore, as another author noted, 'Young adults may be more akin to adolescents than adults in their inclination to engage in antisocial decision making'.³¹

Developmental differences in young people also put them at risk of harm. One commentator compared the gap between early increases in sensation seeking and later development of emotional and behavioural controls as 'starting the engines without a skilled driver'.³² During adolescence, relative to childhood, a person's chances of dying from putting themselves in harm's way will increase by 200%.³³

The majority of the police ... have that attitude with you. Like, some of the things that they do to antagonise you and actually lead you to getting in trouble.

25 Note on sources: This section draws heavily from a comprehensive literature review on maturity, young adults and criminal justice conducted by Prior et al (2011) and commissioned by the Transition to Adulthood. A special edition on 'the teenage brain' by the peer-reviewed *Current Directions in Psychological Research* in 2013 is another important source.

26 Luna, B, Paulsen, D, Padmanabhan, A, Geier, C (2013) 'The teenage brain: Cognitive control and motivation', *Current Directions in Psychological Research*, Vol. 22, pp. 94–100; Bonnie, R and Scott, E (2013) 'The teenage brain: adolescent brain research and the law', *Current Directions in Psychological Science*, Vol. 22 (2), pp. 158–161.

27 Johnson, SB, Blum, RW and Giedd, JN (2009), 'Adolescent maturity and the brain: The promise and pitfalls of neuroscience research in adolescent health policy', *Journal of Adolescent Health*, Vol. 45 (3), pp. 216–221.

28 cited in Prior, D, Farrow, K, Hughes, N, Kelly, G, Manders, G, White, S, Wilkinson, B (2011) *Maturity, young adults and criminal justice: A literature review*, University of Birmingham (commissioned by the Barrow Cadbury Trust for the Transition to Adulthood Alliance).

29 Jones, J (2005) *The thinking and behaviour of young adults: Literature review for the Social Exclusion Unit*, Social Exclusion Unit, London.

30 Luna et al (2013) p. 95

31 Modecki, K L (2008) 'Addressing gaps in the maturity of judgment literature: Age differences and delinquency', *Law and Human Behavior*, Vol. 32 (1), pp. 78–91.

32 Dahl, R (2004) 'Adolescent brain development: A period of vulnerabilities and opportunities', *Annals of the New York Academy of Sciences*, 1021, pp. 1–22.

33 Ibid.

Maturity and the impact of peer pressure

A still maturing brain can make young people particularly vulnerable to peer pressure. In their review of the literature, Albert et al (2013) cite one study which found that adolescents' exaggerated response to positively valenced social cues could directly undermine their capacity to inhibit their behaviour.³⁴ This suggests that 'adolescents are particularly sensitive to the reward sensitizing effects of social stimuli', which can undermine their capacity to 'put the brakes on' impulsive responding'.³⁵ Other studies echo this finding, acknowledging that this issue continues into adulthood. For example, Somerville (2013) highlighted how adolescents' experience of a greater self-reported embarrassment and 'uniquely heightened responding of the autonomic nervous system ... partially subsided into adulthood'.³⁶

Maturity and moral reasoning

Involvement in offending depends on complex interactions between the individual's moral values and capacity for self-control, and the moral characteristics of the social context, which are in turn shaped by social factors such as poverty, unemployment and lack of cohesion (Prior et al. 2011). This review also found that people vary in the development of their moral reasoning capacity, particularly in adolescence and early adulthood. They concluded that offenders can be distinguished from non-offenders by their less mature capacity for moral reasoning. This immaturity in moral reasoning is a complex issue, with many contributory factors; however it has been shown to result from cognitive distortions that occur at a young age and for some, persist into adulthood.

3.2 ACQUIRED BRAIN INJURY AND OFFENDING BEHAVIOUR

Young people are at an increased risk of an acquired brain injury. According to the Irish voluntary organisation Headway, those aged between 15 and 29 years of age are three times more likely to sustain a brain injury than any other age group.³⁷ Young men are particularly at risk: it has been reported that acquired brain injury is three times more common in men than in women and that the highest rate of injury occurs among young men aged between 15 and 23 years.³⁸

Of real concern, the research evidence indicates a clear link between acquired brain injury and involvement in crime. This is because an injury affecting the frontal lobes of the brain can have serious consequences for impulse control and decision making:

*An injury to this part of the brain during its development can result in long-term problems with impulse control and decision-making, both of which are factors associated with anti-social and violent behaviour. Consequently, while those without a TBI [traumatic brain injury] are likely to grow out of immature and antisocial behaviour by their mid-twenties, those with TBI are likely to continue to grapple with these issues throughout young adulthood and beyond.*³⁹

In Finland, a study of 508 psychiatric adolescent inpatients found that adolescents with an acquired brain injury had committed a significantly higher number of crimes than others (53.8% vs. 14.7%). Acquired brain injury during childhood and adolescence was also found to increase the risk of any criminality 6.8-fold, conduct disorder 5.7-fold and concomitant criminality and conduct disorder 18.7-fold.⁴⁰ Evidence also suggests that having an acquired brain injury is linked to being in custody at an earlier age, longer sentences, higher rates of recidivism, and committing more violent crimes – in the UK, a 2012 report showed that 60% of young people in custody in the UK claimed to have an acquired brain injury.⁴¹

34 Albert, D, Chein, J, Steinberg, L (2013) 'The teenage brain: Peer influences on adolescent decision-making', *Current Directions in Psychological Science*, Vol. 22 (2), pp. 115–120.

35 Ibid., p. 118.

36 Somerville, L (2013) 'The teenage brain: Sensitivity to social evaluation', *Current Directions in Psychological Research*, Vol. 22, pp. 121–127.

37 Headway (2011) *What is an acquired brain injury?* Factsheet, available at http://www.headway.ie/download/pdf/what_is_abi.pdf

38 Greenwald, B. D., Burnett, D. M., and Miller, M. A. (2003), 'Congenital and acquired brain injury. Brain injury: epidemiology and pathophysiology', in *Arch Phys Med Rehabil*, Vol. 84, S3-S7; Murdoch, B. E. and Theodoros, D. G. (2001), 'Introduction: Epidemiology, neuropathophysiology, and medical aspects of traumatic brain injury', in *Traumatic brain injury: Associated speech, language and swallowing disorders* (pp. 1-23), San Diego, CA: Singular Thomson Learning.

39 Williams, H (2012) *Repairing shattered lives: Brain injury and its implications for criminal justice*, Transition to Adulthood, London, p. 4. (The terms 'traumatic brain injury' and 'acquired brain injury' are interchangeable.)

40 Luukkainen, S, Riala, S, Laukkanen, M, Hakko H and Räsänen, P (2012) 'Association of traumatic brain injury with criminality in adolescent psychiatric inpatients from Northern Finland', *Psychiatry Res.* Vol. 30 (2-3), pp. 767–72.

41 Williams (2012)



4. SOCIO-ECONOMIC FACTORS AND OFFENDING BEHAVIOUR

A growing body of research highlights the complex link that exists between offending behaviour among young adults and certain socioeconomic factors.⁴² This section presents the main findings regarding key social risk factors in young adulthood.

KEY POINTS

- In recent years, increasing attention has been placed on 'NEETs' – young people not in employment, education or training. Research shows that these young people are more likely to engage in offending behaviour.
- Living in a disadvantaged area has also been found to increase a young person's level of exposure to risk factors for engaging in crime, although this factor may disappear by young adulthood.
- Young homeless people who remain homeless into adulthood can be more likely to engage in offending behaviour than young people who escape homelessness.
- While most young adult offenders do not engage in violent crime, those who do are more likely to come from a history of serious disadvantage and adversity, including being the victim of crime, being engaged in self-harming behaviour and substance abuse, problematic family backgrounds and a history of mental health problems.
- Family-related problems, such as parental break-up and lack of parental monitoring, have been found to exert a particularly strong influence on young people's likelihood of offending, especially for adolescents.
- Once into adulthood, however, research suggests that remaining in the parent's home instead of starting a family of one's own can actually delay a successful transition to adulthood, and may reduce the likelihood of desistance for young adult offenders.
- Problem drinking and drug use has been found to be associated with offending behaviour among young adults. In Ireland, research has shown that young adults (18–24 years) are responsible for two-fifths of offences related to drunkenness, public order or assault.

4.1 YOUNG ADULT 'NEETS' AND OFFENDING BEHAVIOUR

Youth unemployment has become a key issue of concern in Europe – over recent years, young adults are increasingly likely to experience unemployment, leading to financial insecurity and dependence on their parents. Both of these factors impede their development of an independent personality and life structure, which is seen as one of the most important stages of development in young adulthood.⁴³

In particular, recent research literature has focused attention on 'NEETs' – young people not in education, employment or training, highlighting how this group are disengaged from society and face a wide range of risk factors. One longitudinal study of young adults conducted in Australia found that NEETs were more likely to be male and to have a history of offending behaviour than other young people.⁴⁴ Similarly, in the UK, research has shown that school factors, such as low achievement or lack of commitment to school (including truancy) have been identified as risk factors for youth crime in the UK.⁴⁵ Gyateng et al (2013) found that 65% of young people in young offender institutions were recorded as having had a period of non-attendance at school, and 36% were reported to have a negative attitude towards education, training and employment.⁴⁶

You'd have nowhere to go, nowhere,
because you don't have a lot of
money.

4.2 LIVING IN A DEPRIVED AREA

In the UK, living in a disadvantaged area has been found to increase the level of exposure to a range of risk factors for youth crime.⁴⁷ This was also the finding of an Irish study, which showed a strong link between living in a deprived neighbourhood and appearing before a district court.⁴⁸

43 Pruin, I and Dünkel, F (2015) Better in Europe? *European responses to young adult offending*, Transition to Adulthood Alliance.

44 O'Dea et al (2014) 'A cross-sectional exploration of the clinical characteristics of disengaged (NEET) young people in primary mental healthcare', *BMJ*, Vol. 4, available at http://bmjopen.bmj.com/content/4/12/e006378.full?g=w_ebmh_open_tab

45 Hazel, N (2008) *Cross-national comparison of youth justice*, Youth Justice Board, Ministry of Justice, London.

46 Gyateng, T, Moretti, A, May, T and Turnbull, T (2013) *Young people and the secure estate: Needs and interventions*, Youth Justice Board, London.

47 Hazel (2008); Communities that Care (2005) *Risk and protective factors*, Youth Justice Board, London.

48 Bacik I., Kelly, A., O'Connell M. and Sinclair, H. (1998), 'Crime and poverty in Dublin: An analysis of the association between community deprivation, District Court appearance and sentence severity' in Bacik I. and O'Connell M. (eds.), *Crime and Poverty in Ireland*, Round Hall Sweet and Maxwell, Dublin.

42 See IPRT (2012) *The vicious circle of social exclusion and crime – Ireland's disproportionate punishment of the poor*, IPRT, Dublin, for an in-depth exploration of this issue.

Living in a deprived area does not seem to be as strongly associated with offending behaviour continuing into adulthood, however. A Scottish study found that young male offenders, whose probability of conviction peaked at 15–16 years and ended completely at about 20 years, were most likely to be living in the most deprived neighbourhoods in Edinburgh.⁴⁹

Just because we have a poor house, they think, “Oh yeah, they’re the drug dealers.” Not everyone around here is drug dealing or anything, you know what I mean?

4.3 HOMELESSNESS AND OFFENDING BEHAVIOUR

Young homeless people who remain homeless into adulthood can be more likely to offend than other young homeless people. In an Irish qualitative longitudinal study of young people’s homeless and housing pathways, crime and prison were strong themes among those young people who were still homeless at the end of a six year period and repeat periods of incarceration were common.⁵⁰ None of those who had exited homelessness had been in prison; rather, ‘those who moved out of hostel settings to more stable living situations at an early juncture began to re-engage with education and reconnect with family members and former social networks’. Several who reported a drug problem also enrolled in a drug treatment programme and a stable place to live greatly assisted their efforts to reduce their drug consumption or remain abstinent.⁵¹ By contrast, those who stayed in emergency accommodation in the city tended to form relationships that ‘pushed them towards activities that served to further alienate them from mainstream society as they became further entrenched in drug use and criminal activity’:

A large number of young people depicted this transition [from child welfare to adult homeless services] as a ‘turning point’ experience in the negative sense of it constituting a crisis. Disillusionment and despair were the emotions most frequently articulated by those young people who ‘graduated’ from under-18s to adult hostel settings.⁵²

4.4 VIOLENT CRIME AND HISTORY OF ADVERSITY

Most young adult offenders do not engage in violent crime. Regarding young violent offenders, the *Edinburgh Study of*

Youth Transitions and Crime highlighted the strong link between persistent, serious offending and social disadvantage and adversity. It found:

violent offenders were significantly more likely than non-violent youths to be: victims of crime and adult harassment; engaged in self-harming and para-suicidal behaviour; exhibiting a range of problematic health risk behaviours including drug use, regular alcohol consumption, disordered patterns of eating, symptoms of depression and early experience of sexual intercourse; having more problematic family backgrounds; and, for girls in particular, coming from a socially deprived background.⁵³

4.5 FAMILY RELATIONSHIPS AND OFFENDING BEHAVIOUR

Two factors seem to be positively associated with desistance for males aged 16–25 years: their perception that their school work is above average; and continuing to live at home (Graham and Bowling 1995). The second factor may be associated with desistance because of relatively positive relationships with parents and therefore less time spent with delinquent peers.⁵⁴ More recently, research by the Youth Justice Board in the UK (2005) also found that ‘family problem behaviour’ seems ‘to exert a particularly strong influence’ on young people’s likelihood of offending. A later study by the Youth Justice Board (2008) identified problematic family relations as a risk factor for failure to desist from offending behaviour. Similarly, McAra and McVie found that key features in the lives of young offenders include an increase in family break-up and a reduction in parental monitoring.⁵⁵

Interestingly, research also suggests that for those at the older end of the spectrum of 18–24 year olds, desistance can be associated with moving out of the family home and starting one’s own family.⁵⁶ Remaining in the parent’s home well into adulthood can delay the transition to adulthood.⁵⁷ Yet as we have seen, increasing unemployment rates contribute to more and more young adults continuing to live with their parents.

4.6 SUBSTANCE ABUSE AND OFFENDING BEHAVIOUR

Age of onset and intensity of adolescent drinking are predictive of problem drinking and alcohol use disorders in adulthood.⁵⁸ This trajectory has been partly attributed to the vulnerability

49 McAra, L and McVie, S (2010) ‘Youth crime and justice: Key messages from the Edinburgh study of youth transitions and crime’, *Criminology and Criminal Justice*, Vol. 10, pp. 211–230.

50 Mayock, P and Corr, L (2013) *Young people’s homeless and housing pathways: Key findings from a six year qualitative longitudinal study*, Department of Children and Youth Affairs, Dublin.

51 Ibid..

52 Ibid, p. 59.

53 McAra and McVie (2010) p. 212–213.

54 Graham, J and Bowling, B (1995) *Young people and crime*, Home Office, London.

55 Youth Justice Board in the UK (2005); (2008)

56 Pruin and Dunkel (2015)

57 McAra and McVie (2010)

58 Youth Justice Board (2008)

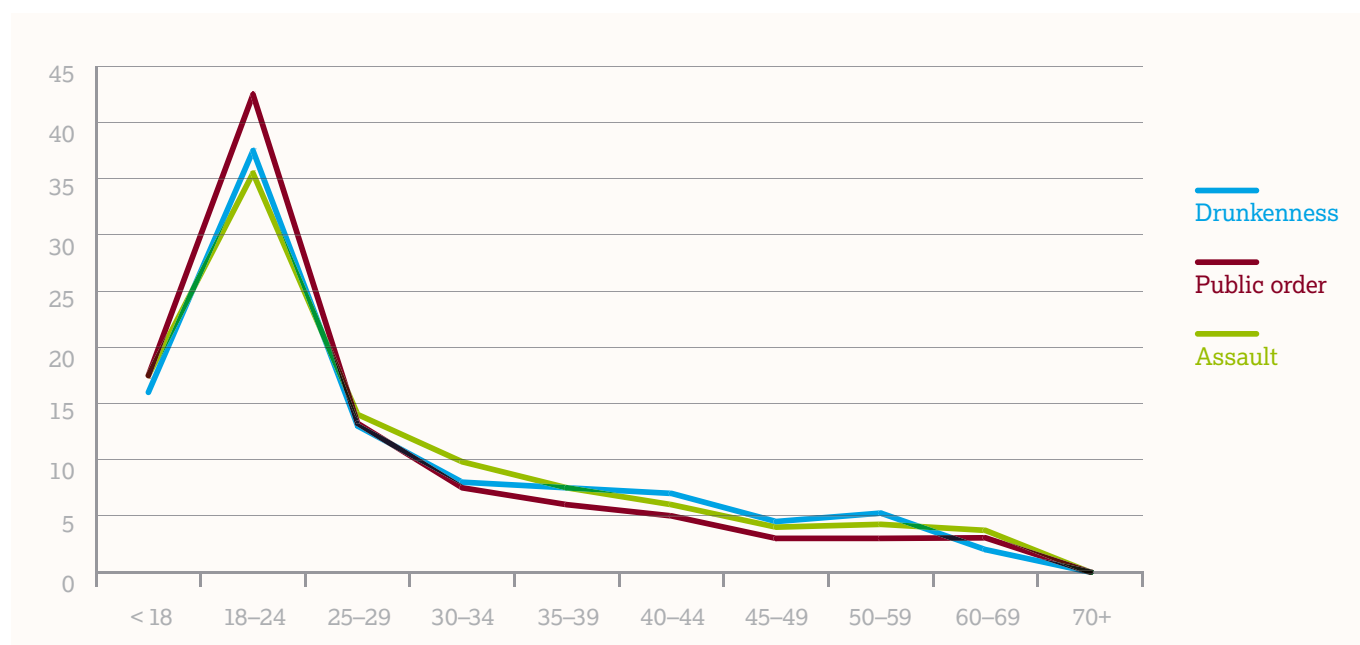
of the adolescent brain.⁵⁹ Problem drinking, in turn, has been found to be associated with offending behaviour among young adults. McAra and McVie (2010) identified an increase in alcohol use as one of three key factors in the lives of young offenders, while international research shows that alcohol is involved in 35%–85% of assaults and homicides.⁶⁰ Identified contributory factors include the effects of alcohol, the characteristics of the drinker, the drinking situation and the cultural context of both drinking and criminal behaviour.⁶¹

Dependence on other substances has also been shown to relate to offending behaviour rates. Gyateng et al (2013) showed a high rate of substance use among young people in ‘the secure estate’ prior to custody, including cannabis (60%) and alcohol (59%).⁶² Regarding cannabis use, 31% had a substance misuse problem considered to have a noticeably detrimental effect on their education, relationships and daily functioning. Almost two fifths (37%) were rated as having a high likelihood of reoffending due to substance misuse.⁶³

In Ireland, young men have the highest rates of both alcohol consumption and binge drinking. They are also most likely to have experienced harm as a consequence of their own alcohol use.⁶⁴ In 2011, some of the most common categories of offences committed by young adults (18–24 years) in Ireland included public order offences, disorderly conduct, road and traffic offences, dangerous or negligent acts, theft and related offences, and drugs possession and use. Mongan et al (2009) found that young adults (18–24 years) were responsible for two-fifths of offences related to drunkenness, public order or assault.⁶⁵

You would end up ... [in] the pub,
you know what I mean, playing pool.
Oh, we’ll have a few games of pool.
... Then it leads to a pint. ... Then
that leads to a double Jack Daniels.
... [By Monday] you would have no
money.

Figure 3: Drunkenness, public order and assault offenders by age



Source: PULSE data 2003–2007, analysed by Mongan et al, 2009

⁵⁹ Bonnie and Scott (2013)

⁶⁰ Mongan, D, Hope, A and Nelson M (2009) *Social consequences of harmful use of alcohol use in Ireland – HRB Overview Series*, Health Research Board, available at http://www.hrb.ie/uploads/tx_hrbpublications/HRBOverview_9.pdf.

⁶¹ Ibid.

⁶² Gyateng et al (2013)

⁶³ Ibid.

⁶⁴ Ramstedt, M and Hope, A (2005). ‘The Irish drinking habits of 2002: Drinking and drinking-related harm, a European comparative perspective’, *Journal of Substance Use*, Vol. 10 (5), pp. 273–283.

⁶⁵ Mongan et al (2009)



5. THE RIGHT INTERVENTIONS AT THE RIGHT TIME

This section draws from the research literature that explores the need for targeted, community-based supports and services for young offenders and those at risk of offending. It also draws on the literature showing the limitations of an over-emphasis on custodial sanctions for young adults.

KEY POINTS

- Prison has increasingly come to be seen as an inappropriate environment for most young adults. This is not only due to the high rate of recidivism among this age group. Being imprisoned can be detrimental to goals related to the transition to adulthood, which is associated with desistance from crime.
- A critical point in time for many young people engaged in offending behaviour occurs between 13 and 15 years – the period of transition from primary to secondary school. Preventative interventions should target this age group.
- The high rate of recidivism among young ex-prisoners decreases for most as they grow older.
- The research literature emphasises the need for targeted support for young adult offenders in the community, involving education, employment opportunities and housing.
- Contact with the criminal justice system can increase the likelihood of offending behaviour among young people. Some evidence suggests that young people who are more likely to be caught than others are more likely to continue with offending behaviour.
- Adolescents have a heightened capacity to respond to social cues and high adaptive skills, which can be harnessed to enable desistance and participation in society.
- Restorative practices, when implemented to quality standards, has been shown to reduce re-offending rates among participating offenders. While such processes tend to focus on those aged under 18 years, it has been argued that it would be possible to extend them to those aged 18–21 years.

5.1 LIMITATIONS OF A CUSTODIAL APPROACH

High recidivism rates among young adults (see opposite) clearly shows the inefficacy of the custodial approach in terms of reducing offending behaviour among young adults. In addition, the growing evidence on the ongoing brain development in early adulthood shows that prison is increasingly seen as an inappropriate environment for most young adults, due to limited access to education and training, isolation from family and home, and limited access to required supports.⁶⁶ A large qualitative study in the UK found that young adults in prison identified a range of complex needs, which required some form of support or intervention to enable them to desist from future offences. Many of these needs were found to relate to the transition from childhood into adulthood, with participants referring to their involvement in crime as ‘kids’ stuff’, ‘something they needed to stop in order to become men’.⁶⁷ This report strongly recommended alternatives to custody where possible, as re-incarceration can be massively detrimental to desistance goals.

Evidence also suggests that imprisonment has a negative effect on the mental health of young people. A study by the Social Exclusion Unit in the UK found that 95% of prisoners aged 15–21 years suffered from a mental disorder and 80% suffered from at least two mental health problems.⁶⁸ In another study, 8% of young people held at young offender institutions were known to have self-harmed while in custody.⁶⁹ Another study found that prisoners aged 18–21 years experienced higher levels of mental health problems and were more likely to attempt suicide than either younger or older ages.⁷⁰

An overrepresentation of mental health issues has similarly been identified among young people in prison in Ireland. In a study conducted between 2011 and 2012 in St Patrick’s Institution, of 171 newly committed young adult offenders aged between 16 and 20 years, almost 23% were diagnosed as ultra high risk (UHR) for developing psychosis with the UHR state peaking at age 18. Substance misuse problems were present in 85% of those interviewed. The study found that the stress of imprisonment may be an exacerbating factor; and concluded that more attention should be paid to the relationship of UHR states to substance misuse and

66 Chater, D (2009) *Universities of crime: Young adults, the criminal justice system and social policy*, Transition to Adulthood, London; Youth Justice Board (2005)

67 Howard League for Penal Reform (2005) *Young, neglected and back: Young men in prison*, Research Briefing 2, Howard League for Penal Reform, London.

68 Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, (2002) London: Social Exclusion Unit.

69 Gyateng et al, 2013. The study notes these figures are likely underestimates, due to ambiguity in the administrative files used for this research, for 15–20% of cases.

70 Singleton et al (2000)

to the health needs of young offenders.⁷¹ In a discussion of preliminary findings, it was reported that 47% of those interviewed had already visited a mental health expert, and those who had experience of adult mental health services were 2.5 times more likely to be ultra high risk. Conclusions were that adult mental health services are not suitable or welcome to this group, and child services are equally unsuitable and unwelcome.⁷²

Diverting young people from custody, through community-based sanctions, should be a core objective of criminal justice policy. In cases where custody is required, Mayock and Corr (2013) identify a need to focus on discharge policies for offenders and to give particular attention to those young people who are most vulnerable to homelessness.⁷³

5.2 TRAJECTORIES OF OFFENDING BEHAVIOUR

Modelling of criminal justice pathways in Scotland found that 13–15 years marks an important turning point, both for those who began offending at an early age, and those who began offending during this age period (13–15 years). Key contributory factors identified include a family break-up, a reduction in parental monitoring and an increase in alcohol use. The authors (McAra and McVie, 2010) concluded that ‘the critical moments for youngsters in terms of conviction trajectory appear to be linked to truancy and school exclusion in the early years following the transition from primary to secondary school’⁷⁴.

Regardless of when involvement in offending behaviour commences, evidence shows that most young people who offend tend to stop committing crime as they grow older. A UK-based longitudinal study, for example, found that the number of offences and offenders peaked at 17 years, closely followed by 18 years.⁷⁵ It showed an average of 59 offences per year at 17–20 years fell to 23 offences for those aged 21–25 years and continued to fall to four offences per year for those aged 46–50 years.⁷⁶ More recently, a 2012 study concluded that while various longitudinal studies identified different trajectory groups, ‘the highest concentration of desistance takes place

during early adulthood irrespective of age of onset’.⁷⁷ While for a minority of young offenders, the severity of offending increases, for most in the process of desistance, it decreases.⁷⁸

In Ireland, between 2007 and 2010, 68.5% of prisoners aged under 21 years re-offended, compared with only 38.6% of those aged 51 years and over.⁷⁹ The Irish Prison Service’s report on recidivism acknowledges, ‘A number of longitudinal studies in the UK indicate that offending behaviour generally starts in early adolescence, peaks during the late teens and tapers off in young adulthood’.

Desistance has been associated with important life events, such as marriage and having children, while factors such as low intelligence and a history of residential care have been associated with lengthier periods of engagement in criminality.⁸⁰

5.3 IMPACT OF AGENCY CONTACT

The Transition to Adulthood Alliance and others have highlighted that the wrong interventions with young adults are likely to extend the length of time they are involved in the criminal justice system, slowing down the process of desistance whereby most young people ‘grow out’ of crime. Of particular concern is the emerging perception that those young people who are more likely to be caught than others are more likely to continue with offending behaviour. Analysis of the longitudinal data from the Edinburgh Study showed that certain ‘selection effects’ at three levels (a police officer deciding to charge a young person, to report them, and the decision of a reporter to bring them to a formal hearing) meant that certain groups of young people ‘were propelled into a repeat cycle of referral into the children’s hearing system, whereas other equally serious offenders escaped the attention of formal agencies altogether’.⁸¹

71 Flynn et al. (2012) *Ultra high risk of psychosis on committal to a young offender prison: an unrecognised opportunity for early intervention*; BMC Psychiatry, 12:100

72 All Party Oireachtas Penal Reform Group Seminar on the incarceration of children in St Patrick’s Institution, November 2011. See: <http://www.iprt.ie/contents/2241>

73 Mayock and Corr (2013)

74 McAra, L and McVie, S (2010) ‘Youth crime and justice: Key messages from the Edinburgh study of youth transitions and crime’, *Criminology and Criminal Justice*, Vol. 10, pp. 211–230.

75 Farrington, D, Coid, J, Harnett, L, Jolliffe, D, Soteriou, N, Turner, R and West, D (2006) *Criminal careers and life success: New findings from the Cambridge study in delinquent development*, Research, Development and Statistics Directorate, Home Office, London.

76 Ibid.

77 Farrington, D. P., Loeber, R., Howell, J. C. (2012) ‘Young adult offenders. The need for more effective legislative options and justice processing’, *Criminology and Public Policy*, Vol. 11, pp. 729–750, cited in Pruin and Dünkel (2014)

78 Pruin and Dünkel (2014)

79 Irish Prison Service (2013) *Irish Prison Service recidivism study 2013*, available at <http://www.irishprisons.ie/images/pdf/recidivismstudyss2.pdf>

80 Ibid.

81 McAra and McVie (2010)

The authors concluded that:

The deeper young people who were identified as the usual suspects penetrated the youth justice system, the more likely it was that their pattern of desistance from involvement in serious offending was inhibited.⁸²

This finding is echoed in other studies. Weaver and McNeill (2007) note, ‘intervening too much, too soon and in the wrong ways runs the serious risk of establishing criminal reputations and identities rather than diminishing them’.⁸³ Similarly, the T2A Alliance conclude that:

Given the right intervention ... young adults are the most likely age group to desist, but the wrong intervention at this time can slow desistance and extend the period that an individual is caught in the net of the criminal justice process.⁸⁴

I know loads of people that the police are telling since they’re 13 or 14, “I’m going to have you locked up by the time you’re 16. I’m going to have you locked up.” ... If they don’t like the person, basically that can ruin someone’s life. Like, he’s still only a child, more or less, that’s more or less just introducing them to the life of crime saying, “Yeah, that’s you for the rest of your life, good luck now”. ... They have the power to do that.

5.4 PREVENTION THROUGH TARGETED, COMMUNITY-BASED SUPPORT

The importance of targeted and intensive support for young adults who offend has been highlighted, with the aim of preventing them from ‘effectively serving a life sentence by instalments’.⁸⁵ The authors go on to recommend ‘universal targeting’ for all children and families in areas of concentrated poverty and with increased risk factors. In this regard, the value of the community and voluntary sector’s role, by providing informal open door support, is key. They also stress that educational inclusion should be prioritised in any strategy that aims to address youth crime, and that the police need to be able to respond swiftly and flexibly, providing meaningful diversion where possible.⁸⁶ Other commentators, such as Transition to Adulthood, also stress the importance of prevention through supportive measures for young people at risk of offending behaviour, highlighting that desistance theory and the most current developmental research points to the fact that:

between the ages of 18 and 24 years, the focus should be on encouraging desistance from crime and supporting factors that reduce criminal behaviour, for example employment, housing and good health.⁸⁷

Protecting young people from being victims of crime is another important aspect of support for young people at risk of offending behaviour: research in the US for example has found that the majority of children in the juvenile justice system there have been exposed to violence.⁸⁸

If you did get [a gym] here, you would get all the younger lads even, and even the younger lads again, do you know what I mean, the 13 or 14-year-olds, to keep their minds occupied.

⁸² Ibid.

⁸³ Weaver, B and McNeil, F (undated) *Giving up crime: Directions for policy*, Glasgow School of Social Work and Scottish Centre for Crime and Justice Research, p. 1

⁸⁴ Marder, I (2013) *Restorative justice for young adults: Factoring in maturity and facilitating desistance*, Restorative Justice Council, London.

⁸⁵ McAra and McVie (2010)

⁸⁶ Ibid.

⁸⁷ Justice Committee (2011) *The role of the Probation Service – Written evidence from the Transition to Adulthood (T2A) Alliance*, available at <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/519/519we01.htm>.

⁸⁸ See Chapter 6 of Listenbee (2012) for a comprehensive review of the research literature on this subject in the US: Listenbee, R et al (2012) *Report of the Attorney General’s National Task Force on Children Exposed to Violence*, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, US Department of Justice, Washington DC.

5.5 HARNESSING A STRONG CAPACITY TO CHANGE

Studies have shown that young people are more amenable to rehabilitation than adults who commit similar crimes. One reason for this is that they have a heightened capacity to respond to social cues, which may be due to hormonal influences on the brain during puberty that bias attention and actions toward social stimuli.⁸⁹ According to Iselin et al (2009), the development of young people's psychosocial skills might either enable 'positive, pro-social behaviours' or improve their ability to commit crimes.⁹⁰ While this factor may appear less than optimal when it leads to actions that threaten the well-being of the individual, the potential value of this quality is clear.⁹¹

Youth is also associated with increases in novelty and sensation seeking.⁹² This may have an adaptive benefit because it may motivate young people to explore novel environments and engage in new social relationships, leading to the acquisition of skills and experiences critical in adulthood.⁹³ Another study of young adults' progress in treatment for dissociative disorder found that compared to the older adult participants, young adults were more impaired initially but that they improved at a more rapid pace.⁹⁴

Some studies of young people suggest 'that their own resources and social networks are often better at resolving their difficulties than professional staff'.⁹⁵ Such 'resilience perspectives' highlight the potential of social networks, which focus on the 'protective factors and processes' involved in positive adaptation in spite of adversity. These can entail an emphasis on the recognition, exploitation and development of their competences, resources, skills and assets.⁹⁶

If we get all this done, that would be great, it would, it would be really great because it wouldn't be just for us and then the kids. It would be for the kids' kids, and then their kids' kids.

89 Casey, BJ (2013) 'The teenage brain: An overview', *Current Directions in Psychological Science*, Vol. 22 (2), pp. 80–81.

90 Iselin, A M, DeCoster, J et al (2009) 'Maturity in adolescent and young adult offenders: The role of cognitive control', *Law and Human Behavior*, Vol. 33 (6), pp. 455–469, cited in Prior et al (2011)

91 Casey (2013), p. 80.

92 Dahl (2004)

93 Cited in Bonnie and Scott (2013)

94 Myrick, AC, Brand, BL, McNary, SW, Classen, CC, Lanius, R, Loewenstein, RJ, Pain, C, Putnam, FW (2012) 'An exploration of young adults' progress in treatment for dissociative disorder', *Journal of Traumatic Dissociation*, Vol. 13 (5), pp. 582–595.

95 McNeill, F (2006) 'A desistance paradigm for offender management', *Criminology and Criminal Justice*, Vol. 6 (1), pp. 39–62.

96 Schoon and Bynner (2003)

5.6 RESTORATIVE PRACTICES FOR YOUNG ADULTS

Young people's strong capacity to change may be one reason behind the success of restorative justice conferences with young offenders. Restorative justice is a victim and community oriented approach, in which the perpetrator is required to face up to the harm they have caused and repair or make good the damage done. The victim is placed at the centre of the process. Evidence on the potential effectiveness of restorative justice is quite strong: in the UK, research by Shapland et al (2007, 2008) found that across three locations in England and Wales, restorative justice conferencing resulted in an average reduction in re-offending of between 14% and 27%.⁹⁷ In New Zealand, where about 1,500 restorative justice conferences take place each year, an evaluation of their effectiveness found that those who had been through a conference had a 20% lower reoffending rate than comparable offenders who did not receive a restorative justice conference. This was a statistically significant result. It also found that those who participated in restorative justice reoffended 23% less frequently over the subsequent 12 months, and that they were 33% less likely to be imprisoned for reoffending over the next 12 months.⁹⁸

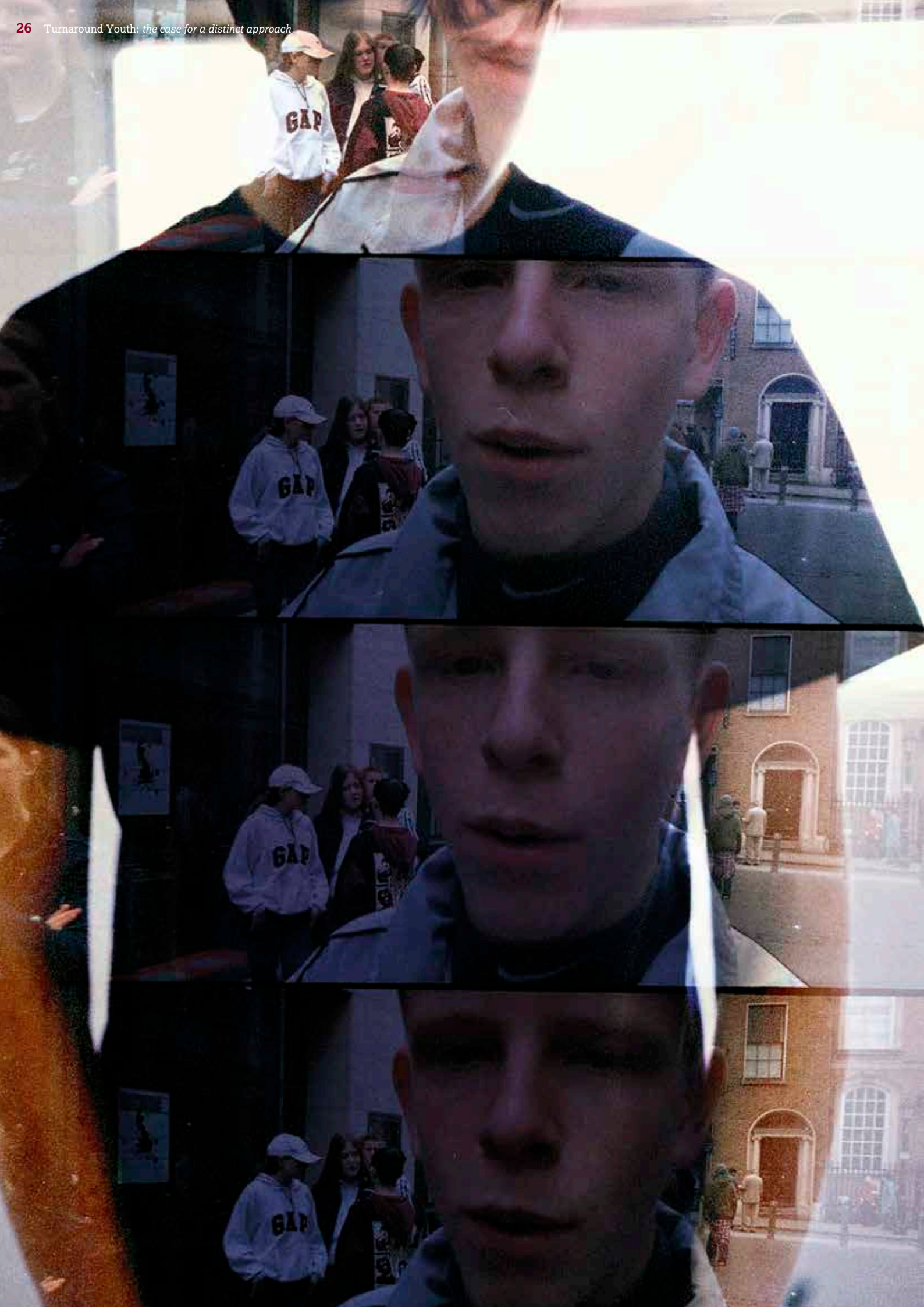
In Northern Ireland, in 2006, the combined reoffending rate for youth conferencing (10–17 years) was at 37.7%, compared to 52.1% for community sentences and 70.7% for custodial sentences.⁹⁹ A 2014 evaluation of Le Chéile youth restorative justice service in Limerick, which works with young people who have been involved in crime and are engaged with the Probation Service, found a return of nearly €3 for every €1 invested. It found significant benefits not only for young people but also for the families and the victims of crime, and recommended the extension of these interventions to young adults over the age of 18, in line with internal Probation Service strategy documents.¹⁰⁰

97 Cited in Marder, I (2013) *Restorative justice for young adults: Factoring in maturity and facilitating desistance*, Restorative Justice Council, London.

98 Ministry of Justice (New Zealand) (2011) *Reoffending analysis for restorative justice cases: 2008 and 2009*, Ministry of Justice, Wellington NZ.

99 Jacobson, J and Gibbs, P (2009) *Out of trouble – Making amends: Restorative youth justice in Northern Ireland*, Prison Reform Trust, London.

100 Quigley, M., Martynowicz, A. and Gardner, C. (2014) *Building Bridges: An Evaluation and Social Return on Investment Study of the Le Chéile Restorative Justice Project in Limerick*, Le Chéile, Ireland



INNOVATIONS IN PRACTICE

#1: Manchester's Intensive Alternative to Custody order

The Intensive Alternative to Custody (IAC) order targets offenders whose offence carries a prison sentence of less than 12 months. It was introduced 'to provide a credible alternative to a short custodial sentence' and aims to address repeat offending through intensive community orders. A process evaluation of one of the pilots, targeted at young men aged 18–25, found that it had 'established itself as a viable alternative to custody in the locality'.¹⁰¹ Participating offenders reported that it 'helped them become more motivated and "able to stand on my own two feet"'.¹⁰² Factors in its success included effective project management and the involvement of a range of organisations, to meet a range of needs.

The order has continued beyond its pilot period. Participating offenders may be on a community service order, on a curfew, or on a programme that aims to tackle their offending behaviour (such as anger management or drink driving). In addition, they are regularly supervised by probation and supported by a mentor. They are reviewed by the courts and non-compliance is met with 'swift action'. Each individual IAC order lasts one year.¹⁰³

#2: Reducing the use of detention on remand: Supervised bail in the UK

Supervised bail programmes have been in operation in the UK over the past two decades. Evaluation-based evidence is positive in terms of outcomes for young offenders. For instance, a comprehensive evaluation of supervised bail in England and Wales found that most young offenders adhered to their supervision order and almost all attended their court hearing. It also found that supervised bail could make it more likely for a young offender to complete a community-based sentence.¹⁰⁴

In Scotland, an evaluation of supervised bail highlighted that it tended to be targeted at young people, and that members of the judiciary were supportive of this approach. Regarding young people, National Guidance on Supervised Bail by the Scottish government states that

*Consideration should be given to any individual who might experience extreme difficulties if remanded to custody, for example those with mental health problems, single parents, drug misusers or young people aged between 16 and 21.*¹⁰⁵

Three-quarters of bail supervision orders were completed successfully.¹⁰⁶ Evidence also suggests it can increase desistance among some offenders, specifically 'borderline cases for which supervised bail is appropriate, where there are good processes in place for the screening of potential bailees and where there is good local awareness of and buy in to supervised bail'.¹⁰⁷ These three factors were identified as crucial for the success of supervised bail.

Evidence also suggests that supervised bail is also more cost effective than imprisonment: Wilson and Perman (2012) identified a benefit to cost ratio of between 1.7 and 6.6.¹⁰⁸

101 Clark, R, McArt, D, Taylor, E and Wakeman, M (2012) *Process evaluation of Manchester and Salford Intensive Alternatives to Custody pilot*, Ministry of Justice, London.

102 Ibid.

103 For further information, see <http://www.gm-probation.org.uk/what-we-do/our-iac-order/>

104 Thomas, S (2005) *National evaluation of the bail supervision and support schemes funded by the Youth Justice Board for England and Wales from April 1999 to March 2002*, Youth Justice Board.

105 Scottish Government (2008) National Guidance on Supervised Bail.

106 Wilson, C and Perman, J (2012) *Supervised bail in Scotland: Research on use and impact*, Scottish Government Social Research, Edinburgh.

107 Ibid, p. 21.

108 Wilson and Perman (2012)

#3: Joined-up thinking: T2A Pathways Programme

The T2A Alliance provides evidence and promotes effective approaches for young people in the transition to adulthood throughout the criminal justice process. The Alliance has identified ten points in the criminal justice process where professionals can deliver a more effective service for young people making the transition to adulthood.¹⁰⁹ In January 2014, it launched the T2A Pathways Programme, which aims over three years to deliver interventions to young adults in six locations in England. Each local initiative addresses a specific stage on the ten-point pathway.

Prior to the launch of the Pathways Programme, the T2A Alliance ran three pilot projects, which introduced new models of working with young adults who were at risk of offending (including those who have offended in the past). A summative evaluation of these pilot projects found that the reconviction rate among these past offenders was 9% over a six month period, compared to a national 46% reconviction rate among young offenders over one year. It also showed a substantial increase in employment and decrease in 'NEET' rates among participants, as well as an improvement in other areas such as accommodation and mental health.¹¹⁰

The following factors were identified as making a critical difference:

- Contact is optional for the young adult;
- Establishment of a friendly, helping relationship;
- Meetings focused on an action plan, which the service used feeds into, and which addresses desistance and improving the person's situation and behaviour;
- A person-centred and problem-focused approach; and
- Extending a 'life-line', so that the support worker is contactable by phone or text and in times of crisis.

#4: Prince's Trust Leaving Prison Mentoring Scheme

Through this initiative, young people (aged 16–25 years) receive reintegration support prior to and following their release from prison. The aim is 'to help people leave prison and not return, by helping them to access education, training, employment or volunteering'. Staff and volunteers provide mentoring support, all of whom have past experience of imprisonment. Mentors meet with prisoners on a fortnightly basis during the last three months of their imprisonment. Contact continues for three months following release, again with an emphasis on providing the mentee with general support and linking them with relevant supports and services in the community.

A qualitative evaluation of the scheme found that ex-offender mentors can engage effectively with young offenders and offer forms of support that are not typically available to them, including:

*pre-release support, meeting at the gate, practical help, being available at short notice, being a role model, providing inspiration and acting as a sounding board.*¹¹¹

More generally, the mentor acted as a role model. From the prisoners' point of view, the fact that the mentors were ex-prisoners was a key factor in the success of the scheme.

¹⁰⁹ These are: policing and arrest; diversion; restorative justice; community sentences; sentencing; prosecution; managing the transfer process; custody; enabling desistance from crime; and resettlement. For further information, see <http://www.t2a.org.uk/pathway/>

¹¹⁰ Sturrock, R (2012) *Supporting transitions: A summative evaluation of the Transition to Adulthood pilots*, Transition to Adulthood Alliance, London, p. 6. For further information, see <http://www.t2a.org.uk/wp-content/uploads/2012/05/T2A-Summative-Evaluation-Catch22-2012.pdf>

¹¹¹ Prince's Trust (2011) Evaluation summary: *Working one to one with young offenders*, Prince's Trust, London, p. 1.

#5: The Switchback initiative, London

Switchback aims to change the way that young male offenders think about and participate in society through training young offenders in the catering industry on release from prison.¹¹² A small team of mentors works intensively, on a one-to-one basis, with the participating ex-prisoners throughout their involvement; this lasts an average of 19 months. The mentor's contact extends to other people in the young offender's life, such as their partner, parent(s) and probation officer. Their focus is 'to encourage and challenge each trainee to make all areas of their life more stable as they move through the prison gate'. This encompasses employment, accommodation, relationships, finances, health, drug and alcohol use, independent living skills, education, attitudes and behaviour, and interaction with the criminal justice system. In addition, as soon as participating offenders are released from prison, they begin professional training in a café (the Crisis Skylight Café). Following the training process, Switchback link trainees into employment placements with a range of local catering businesses.

Outcomes data suggest that Switchback's initiative for young offenders is effective; only 21% of Switchback trainees are back in prison within one year, compared to an estimated 58% for the general population of young adult offenders in the UK.¹¹³

#6: Police and Crime Commissioner initiatives

A number of promising practices have emerged locally in England and Wales, with Police and Crime Commissioners taking a lead role. These include: the Young Adults Project in Leicestershire, where for example a new transitions protocol has been developed between youth offending services and adult probation providers and a Young Adult Team has been established; the extension of principles of youth offending to young adults in South Wales; and the establishment of outreach support and community services for young adults in Gloucestershire.¹¹⁴

112 Switchback (2012) *Switchback strategic plan 2012–2015*, available at www.switchback.org.uk

113 Ibid.

114 For further information, see <http://www.revolving-doors.org.uk/documents/pcc-spotlight-young-adults/>

CONCLUSION AND RECOMMENDATIONS

All young adults experience enormous social, developmental and psychological changes as they transition from childhood into adulthood. For some, this transition is particularly challenging. The evidence presented in this paper shows incontrovertibly that several factors put young adults more at risk of becoming involved in offending behaviour and make the prison system an inappropriate and counterproductive means of dealing with young adult offenders. Contact with the criminal justice system in the community, as well as imprisonment, can actually increase the likelihood of offending behaviour among young people.

The current approach in Ireland is failing too many young adults, often making them more, not less, likely to commit crime. The system is not providing these young people in transition with the best chance of turning things around, fulfilling their potential and going on to lead crime-free, safe and positive lives.

However the evidence also shows that the right interventions at the right points of time for young offenders can successfully lead to a reduction in the offending rate among young adults. The enthusiasm of the focus group participants when discussing possible measures to address youth crime in their area also chimes with the finding in the literature that young people's heightened social skills and capacity for change can lead to 'positive, pro-social behaviours', and the findings regarding the value of young people's own resources and networks.

We have seen that many other jurisdictions have already moved towards a distinct approach towards dealing with young adults in conflict with the law. Various models of good practice have emerged regarding prevention and non-custodial alternatives in the community. Evaluations of restorative justice conferences with young people have shown significant positive outcomes in terms of reducing re-offending rates, creating safer communities for everyone.

On the basis of the research findings presented in this issues paper, IPRT makes one overarching recommendation:

The Department of Justice and Equality should develop a discrete strategy for young adults aged 18–24 years.

This strategy should take a cross-departmental and inter-agency approach, and should be grounded in the evidence of what works to promote and support desistance from offending behaviour among young adult offenders aged up to 24.

Key Areas for Action:

1. **Transitions:** Government should ensure that Goal 5 of the National Policy Framework for Children & Young People 2014-2020, “Support Effective Transitions” is properly resourced and fully implemented.
2. **Community:** Priority should be placed on resourcing evidence-based initiatives in the community that aim to divert those at risk of becoming involved in offending behaviour away from criminal justice agencies and into mainstream services.
3. **Policing:** Training of An Garda Síochána should promote best practices in dealing with young offenders and address how agency contact with young people can in some cases lead to an increase in offending behaviour.
4. **Bail:** Supervised bail programmes and effective bail supports that identify and address bail compliance issues should be made widely available to minimise the necessity for young offenders to be remanded pre-trial.
5. **Courts & Sentencing:** In all cases, a young person’s age and level of maturity should be taken into account as a mitigating factor in determining a penalty. Proposed community sanctions legislation should be expanded to include provision for maturity assessments for offenders between 18-24 to consider whether the person might be more appropriately dealt with within the juvenile justice system.
6. **Detention:** Prison should always be a sanction of last resort for young adult offenders, particularly those convicted of non-violent offences.
7. **Alternatives:** Robust non-custodial alternatives should be available to young adult offenders where possible, including intensive community orders, restorative practices and the extension of youth justice diversion programmes to effectively tackle the root causes of offending and encourage desistance among young adults who offend.
8. **Rehabilitation:** Young adults coming out of the criminal justice process must be supported in their efforts to stop offending and become active citizens through provision of services including support with employment and education, stable accommodation and assistance to address drug and alcohol misuse.
9. **Research:** Longitudinal research into outcomes for children and young people who come into conflict with the law should be conducted across all critical points in the criminal justice system, from policing through court responses to sentencing.

If we get all this done, that would be great, it would, it would be really great because it wouldn't be just for us and then the kids. It would be for the kids' kids, and then their kids' kids.



ANNEX 1 – GUIDANCE FROM INTERNATIONAL STANDARDS

Standard	Description
<i>United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)</i>	Efforts shall also be made to extend the principles embodied in the Rules to young adult offenders,' and extend the protection afforded by the Rules to cover proceedings dealing with young adult offenders.
<i>United Nations Committee on the Rights of the Child:</i>	Notes that some States parties allow for the application of the rules and regulations of juvenile justice to persons aged 18 and older, usually till the age of 21, either as a general rule or by way of exception.
<i>United Nations Guidelines for the Prevention of Juvenile Delinquency</i>	The need for and importance of progressive delinquency prevention policies and the systematic study and the elaboration of measures should be recognized. ... Such policies and measures should involve ...the provision of opportunities ... to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of <u>all young persons</u> ... (<i>emphasis added</i>)
<i>United Nations Rules for the Protection of Juveniles Deprived of their Liberty</i>	Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and <u>all young persons</u> . (<i>emphasis added</i>)
<i>United Nations Standard Minimum Rules for the Treatment of Prisoners</i>	The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions. The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.
<i>Recommendation Rec(2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice:</i>	Reflecting the extended transition to adulthood, it should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and to be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults. To facilitate their entry into the labour market, every effort should be made to ensure that young adult offenders under the age of 21 should not be required to disclose their criminal record to prospective employers, except where the nature of the employment dictates otherwise.
<i>Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures:</i>	Young adult offenders may, where appropriate, be regarded as juveniles and dealt with accordingly.
<i>European Prison Rules</i>	In deciding to accommodate prisoners in particular prisons or in particular sections of a prison due account shall be taken of the need to detain... young adult prisoners separately from older prisoners. Work that encompasses vocational training shall be provided for prisoners able to benefit from it and especially for young prisoners. Particular attention shall be paid to the education of young prisoners and those with special needs.
<i>Rules for the treatment of juvenile offenders</i>	Juveniles who reach the age of majority and young adults dealt with as if they were juveniles shall normally be held in institutions for juvenile offenders or in specialised institutions for young adults unless their social reintegration can be better effected in an institution for adults.
<i>Resolution of the 17th World Congress of the International Congress on Criminal Law in 2002</i>	[The] state of adolescence can be prolonged into young adulthood (25 years) ... [As] a consequence, legislation needs to be adapted for young adults in a similar manner as it is done for minors. In particular the Congress resolved that: The administration of educational measures or alternative sanctions that focus on rehabilitation may be extended, at the demand of the concerned individual, to the age of 25. It also resolved that concerning crimes committed by persons over 18 years of age, the applicability of the special provisions for minors may be extended up to the age of 25.

Source: Transition to Adulthood (2012)

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Irish Penal Reform Trust
MACRO Building
1 Green Street
Dublin 7, Ireland

T: +353 (0) 1 874 1400

E: info@iprt.ie

W: www.iprt.ie



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